Union Calendar No. 265

97TH CONGRESS } HOUSE OF REPRESENTATIVES { REPT. 97-418
1st 2d Session } { Pts. 1 and 2

ANNUAL REPORT

Part I

ACTIVITIES

FOR THE YEAR 1981

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

NINETY-SEVENTH CONGRESS

FIRST SESSION

Part II

Comprehensive Drug Control Program

pp. 43-74

MARCH 2, 1982.—Committed to the Committee of the Whole House on the State of the Union and on March 9, 1982 ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE
91-274 O WASHINGTON : 1982

H963-1

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

LEO C. ZEFERETTI, New York, *Chairman*

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CHARLES B. RANGEL, New York
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GLENN ENGLISH, Oklahoma
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JAMES H. SCHEUER, New York
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Roscoe B. Starek, III, *Minority Counsel*
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Elliott A. Brown, *Minority Professional Staff Member*
Catherine M. Chase, *Staff Assistant*
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LETTER OF SUBMITTAL

U.S. House of Representatives,
Select Committee on Narcotics Abuse and Control,
Washington, D.C., December 29, 1981.

Hon. Edmund L. Henshaw, Jr.,
Clerk, U.S. House of Representatives,
Washington, D.C.

Dear Mr. Henshaw: We are pleased to submit the enclosed report entitled "Annual Report, Part I, Activities for the Year 1981, of the Select Committee on Narcotics Abuse and Control, 97th Congress, First Session."

This report sets forth the activities of the Committee for the calendar year 1981. The recommendations for a comprehensive program to control the worldwide problem of drug abuse, to be included in our annual report pursuant to House Resolution 13, will follow as Part II of our annual report, shortly after the second session of the 97th Congress convenes. This will allow the Committee to address and include legislation measures passed during the last days of the extended first session, which impact upon the formulation of a global strategy.

Respectfully submitted.

Sincerely,

Leo C. Zeferetti,
Chairman.

Enclosure.

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Union Calendar No. 265

97TH CONGRESS } HOUSE OF REPRESENTATIVES { REPT. 97-418
2d Session } { Pts. 1 and 2

ANNUAL REPORT OF THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL, 97TH CONGRESS, 1ST SESSION, PARTS 1 AND 2

MARCH 2, 1982.—Committed to the Committee of the Whole House on the State of the Union and on March 9, 1982 ordered to be printed

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Mr. ZEFERETTI, from the Select Committee on Narcotics Abuse and Control, submitted the following

REPORT

I. COMMITTEE JURISDICTION, AUTHORITY, FUNDING, AND ORGANIZATION

The Select Committee on Narcotics Abuse and Control has now been in existence more than five years. In 1976, recognizing the complexity and severity of drug abuse problems and the fragmentation of drug abuse jurisdiction within the House of Representatives, the House established the Select Committee on Narcotics Abuse and Control (H. Res. 1350, adopted July 29, 1976). The Select Committee was reconstituted in the 95th and 96th Congresses. The Select Committee has been the only congressional committee with the broad responsibility of examining the problems of drug abuse and drug trafficking prevention and control in their entirety. The issues involved are extremely complex and cut across a wide range of public policy areas including law enforcement, the administration of criminal justice, health care delivery systems, education, international relations, government organization, and national security.

The Select Committee possesses oversight, but not legislative, jurisdiction. The Select Committee is a fact-finding and a coordinating body which provides an overview of the drug abuse problem and focuses public and congressional attention on critical drug-related issues. The Select Committee supports the standing committees of the House having legislative jurisdiction for narcotics abuse and control by recommending legislative initiatives and assisting in their legislative efforts. To facilitate a coordinated approach to drug abuse issues by the House of Representatives, the Select Committee's membership includes representatives from eight standing committees with jurisdiction over various aspects of drug abuse prevention and control.

In the 97th Congress, on February 25, 1981, the House passed House Resolution 13 which authorized the extension of the Select Committee for two additional years. Throughout the Select Committee's 5½ year history, the Committee's primary mandate from the House has remained basically the same: "to conduct a continuing, comprehensive study and review of the problems of narcotics, drug and poly-drug abuse and control."

INTRODUCTION

A. RECONSTITUTION OF THE SELECT COMMITTEE—HOUSE RESOLUTION 13

The text of House Resolution 13 providing for the continuation of the Select Committee during the 97th Congress is reproduced below. The resolution passed the House by a vote of 276 to 101 on February 25, 1981.

HOUSE RESOLUTION 13, 97TH CONGRESS, 1ST SESSION

> *Resolved*, That there is hereby established in the House of Representatives a select committee to be known as the Select Committee on Narcotics Abuse and Control, hereinafter referred to as the "select committee").
>
> FUNCTIONS
>
> SEC. 2. The select committee shall not have legislative jurisdiction. The select committee shall have authority—
>
> (1) to conduct a continuing comprehensive study and review of the problems of narcotics, drug, and polydrug abuse and control, including (but not limited to) the study and review of (A) the abuse and control of opium and its derivatives, other narcotic drugs, psychotropics, and other controlled substances, as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970, and any such drug or substance when used in combination with any other substance; (B) domestic and international trafficking, manufacturing, and distribution; (C) treatment, prevention, and rehabilitation; (D) narcotics-related violations of the Internal Revenue Code of 1954; (E) international treaties and agreements relating to the control of narcotics and drug abuse; (F) the role of organized crime in narcotics and drug abuse; (G) problems of narcotics and drug abuse and control in the Armed Forces of the United States; (H) problems of narcotics and drug abuse and control in industry; and (I) the approach of the criminal justice system with respect to narcotics and drug law violations and crimes related to drug abuse;
>
> (2) to review any recommendations made by the President, or by any department or agency of the executive branch of the Federal Government, relating to programs or policies affecting narcotics or drug abuse or control; and

(3) to recommend to the appropriate committees of the House legislation or other action the select committee considers necessary with respect to programs or policies affecting narcotics or drug abuse or control.

APPOINTMENT AND MEMBERSHIP

SEC. 3. (a) The select committee shall be composed of nineteen Members of the House, who shall be appointed by the Speaker, one of whom he shall designate as chairman. At least one member of the select committee shall be chosen from each of the following committees of the House: The Committee on Agriculture, the Committee on Armed Services, the Committee on Government Operations, the Committee on Foreign Affairs, the Committee on Energy and Commerce, the Committee on the Judiciary, the Committee on Merchant Marine and Fisheries, and the Committee on Ways and Means.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

AUTHORITY AND PROCEDURES

SEC. 4. (a) For purposes of carrying out this resolution the select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) Subject to the adoption of expense resolution as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses inconnection with its duties under this resolution.

(b) In carrying out its functions under this resolution, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to prescribe the duties and responsibilities of such staff;

(3) to fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(4) to terminate the employment of any such staff as the select committee considers appropriate; and

(5) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

REPORTS

SEC. 6. (a)(1) The select committee shall report to the House with respect to the results of any field investigation or inspection it conducts.

(2) The select committee shall submit an annual report to the House with respect to the results of any field investigation or inspection it conducts.

(2) The select comittee shall submit an annual report to the House which shall include a summary of the activities of the select committee during the calendar year to which the report applies, and its recommendations for a comprehensive program to control the world-wide problem of drug abuse.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

B. Funding—House Resolution 115

Funds for the Select Committee to operate during calendar year 1981 were provided by House Resolution 115 adopted on March 25, 1981. The final budget figure approved by the House Committee on Administration was $540,000.00.

C. Committee Rules

On March 26, 1981, the Select Committee adopted the following rules for the 97th Congress:

RULES OF THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Rule 1. Rules of the House

The Rules of the House of Representatives, insofar as they are applicable, shall be the rules of the Committee. The following rules, insofar as they are consistent with the Rules of the House, shall apply to the Committee.

Rule 2. Meetings

(a) The regular meeting day of the Committee for the conduct of its business shall be on Thursday of each week while the Congress is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) Special meetings may be convened as provided for by clause 2 (c)(2) of Rule XI of the Rules of the House.

(d) At least 24 hours (excluding Saturdays, Sundays, and legal public holidays) before each scheduled Committee meeting, each member of the Committee shall be furnished a list of the subjects to be considered or acted upon at such meeting.

Rule 3. Hearings

(a) Members of the Committee shall be advised and a public announcement (published in the Daily Digest) shall be made of the time, date, place, and subject matter of any hearing to be conducted by the Committee at least one week before the commencement of such hearing, unless the Chairman determines that there is good cause to begin such hearing at an earlier date, in which event the Chairman shall make public announcement (published in the Daily Digest) at the earliest possible date.

(b) Unless authorized by the Chairman, a witness shall not be permitted to testify or present evidence at a hearing of the Committee, and such testimony or evidence may not be included in the Committee hearing record, unless 50 copies thereof have been delivered to the Committee at least 48 hours prior to such hearing.

(c) A Committee member may question a witness only when recognized by the Chairman for such purpose. In accordance with clause 2(j)(2) of Rule XI of the Rules of the House, each Committee member shall be allowed 5 minutes to question a witness until each member who so desires has had such opportunity. The Chairman shall, insofar as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the discretion of the Chairman.

(d) At any hearing the minority party members of the Committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the subject matter of such hearing during at least one day of hearing thereon.

(e)(1) The Chairman at an investigative hearing of the Committee shall announce in the opening statement the subject of the investigation.

(2) A copy of the Rules of the Committee and clause 2 of Rule XI of the Rules of the House shall be made available to each witness.

(3) Witnesses at an investigative hearing may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chairman of the Committee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearing; and the Committee may cite the offender to the House for contempt.

(f) Any witness may obtain a transcript copy of his or her testimony given at a public session or, if given at an executive session, when authorized by a majority of the members voting, a majority being present.

Rule 4. Committee procedure

(a) Unless otherwise required by these rules, one-third of the members of the Committee shall constitute a quorum for the transaction of Committee business, except that two members shall constitute a quorum for the purposes of taking testimony and receiving evidence.

(b) Meetings for the transaction of business and hearings of the Committee shall be open to the public or closed, in accordance with clauses 2(g)(1), 2(g)(2), or 2(k)(5) of Rule XI of the Rules of the House. No evidence or testimony taken in executive session may be released or used in public session unless authorized by a majority of members voting, a majority being present.

(c) A vote by any member of the Committee with respect to any matter being considered by the Committee may be cast by proxy if the proxy authorization is in writing, asserts that the member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the member of the Committee who is to execute the proxy authorization, and is limited to a specific matter (except that a member may authorize a general proxy for motions to recess or adjourn, or for other procedural matters). Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time that the proxy is signed. No proxy may be counted for the purpose of constituting a quorum.

(d) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon the demand of any member, and a copy made available to each member present.

(e) In the absence of the Chairman of the Committee at any meeting or hearing of the Committee, the ranking member of the majority party on the Committee who is present shall preside at such meeting or hearing.

(f) A complete record of all Committee action, including a record of all votes on any question on which a rollcall vote is demanded, shall be maintained by the Committee. The result of each such rollcall vote shall be available to the public for inspection at the offices of the Committee during normal working hours.

(g) Any member of the Committee may demand and the Chairman shall order a rollcall vote on any matter considered by the Committee.

Rule 5. Committee reports

(a) Not later than January 2 of each year the Committee shall report to the House on the activities of the Committee during the previous calendar year. Such report shall be approved by a majority of the members voting at a meeting at which a quorum is present.

(b) Every investigative report shall be approved by a majority of the members voting at a meeting at which a quorum is present.

(c) Supplemental, minority, or additional views may be filed in accordance with clause 2(1)(5) of Rule XI of the Rules of the House. The time allowed for filing such views shall be 3 calendar days (excluding Saturdays, Sundays, and legal public holidays) before the consideration of such proposed report in the Committee.

(d) If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the Committee before the consideration of the proposed report in the Committee.

Rule 6. Powers and Duties of Committee

(a) For the purpose of carrying out any of its functions and duties, the Committee is authorized to sit and act at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed or has adjourned.

(b) (1) The Committee may require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, documents, and other exhibits and materials, as it deems necessary.

(2) A subpena may be authorized and issued by the Committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

(3) Notwithstanding subparagraph (b) (2) of this rule, a subpena may be authorized and issued in the conduct of any investigation or series of investigations or activities by the Chairman of the Committee upon the concurrence of the ranking member of the minority party on the Committee.

(4) Authorized subpenas shall be signed by the Chairman of the Committee or by any member designated by the Committee, and may be served by any person designated by the Chairman or such member.

(c) The Chairman, or any member of the Committee designated from time to time by him, shall report on the meetings, hearings or other activities of the Committee to any other committee of the House which has subject matter jurisdiction therein.

Rule 7. Broadcasting

(a) Whenever any hearing or meeting conducted by the Committee is open to the public, the Committee may permit such hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, under the rules established by paragraph (b) of this rule.

(b) (1) If television or radio coverage of any hearing or meeting of the Committee is to be presented to the public as live coverage, such coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpena by the Committee shall be required against his or her will to be photographed at any hearing or meeting or to give evidence or testimony while the broadcasting of such hearing or meeting, by radio, or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than 4 television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and

any member of the Committee, or the visibility of such witness and such members to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from the hearing or meeting room while the Committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in he hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than 5 press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of such photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than 5 representatives of the media for coverage of the hearing or meeting by still photography, such coverage shall be made on the basis of a fair and equitable pool arrangeemnt devised by the Standing Committee on Press Photographers.

(9) Photographers shall not position themselves at any time during the course of the hearing or meeting between the witness table and the members of the Committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing or meeting by other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobstrusive manner.

Rule 8. Amendment of Rules

The Rules of the Committee may be modified, amended, or repealed, by a majority of the members voting, a majority being present. Written notice of any proposed change shall be provided to each member of the Committee not less than 2 calendar days (excluding Saturdays, Sundays, and legal public holidays) before the meeting date on which such change is to be discussed and voted upon.

D. SPECIAL TRIBUTE

The Select Committee pays special recognition to former Congressman Tennyson Guyer, one of the principal and key organizers of the Select Committee, who unexpectedly died on April 12, 1981. Mr. Guyer was most active in the fight against drug abuse. His tireless efforts contributed significantly to the accomplishments of the Select Committee and promoted a high level of awareness of the drug abuse problem. Mr. Guyer was highly respected by his colleagues on the Select Committee, both Members and staff, who had the privilege of working with him.

E. Committee Staff

The Select Committee's average staff level during 1981 consisted of 14 professional and three clerical staff members. The Select Committee's editorial and printing needs were handled by two detailees from the Government Printing Office. During the summer, 6 student interns at various times joined the staff and assisted in the Select Committee's work. During the fall of 1981, 1 student intern joined the Select Committee to assist on staff matters without compensation.

F. Committee Organization

The Select Committee on Narcotics Abuse and Control organized itself into five task forces to conduct the Select Committee's work in the 97th Congress. In keeping with the nonpartisan nature of the Select Committee, both Democrats and Republicans shared chairmanship of the task forces. The Select Committee's five task forces and their members are listed below:

(1) Task Force on Prevention and Education. Co-chairman: Billy L. Evans and Robert K. Dornan. Members: Daniel K. Akaka, Robert T. Matsui, Mario Biaggi, Walter E. Fauntroy, Robin L. Beard and Charles F. Dougherty.

(2) Task Force on Treatment and Rehabilitation. Co-chairman: Fortney H. (Pete) Stark and Lawrence J. DeNardis. Members: James H. Scheuer and Walter E. Fauntroy.

(3) Task Force on Law Enforcement. Co-chairmen: Charles B. Rangel and E. Clay Shaw. Members: Peter W. Rodino, Jr., Fortney H. (Pete) Stark, Glenn English, Billy L. Evans, Robert T. Matsui, Mario Biaggi, Dante B. Fascell, Lawrence Coughlin, Michael G. Oxley, Robert L. (Bob) Livvingston and Henry J. Hyde.

(4) Task Force on International Narcotics Prevention and Control. Co-chairmen: James H. Scheuer and Benjamin A. Gilman. Members: Frank J. Guarini, Dante B. Fascell, George Danielson, Lawrence Coughlin, Lawrence J. DeNardis, E. Clay Shaw, Jr., Robert L. (Bob) Livvingston and Henry J. Hyde.

(5) Task Force on Drugs in the Military. Co-chairmen: Glenn English and Robin L. Beard. Members: Cardiss Collins, Earl Hutto, Benjamin A. Gilman, Robert K. Dornan and Henry J. Hyde.

II. ACTIVITIES

A. Committee Hearings

1. COMMUNITY ACTION TO COMBAT DRUG ABUSE, APRIL 22 AND 23, 1981, LOS ANGELES, CALIFORNIA

Witnesses

The Honorable Tom Bradley, Mayor of the City of Los Angeles.

Mr. George Deukmejian, Attorney General of the State of California.

Mr. Alan F. Horn, President and Chief Operating Officer, Tandem Productions and TAT Communications Company.

Mr. Greg Morris, actor.

Mr. William Gray, actor.

Mr. George French, President, Listen America Foundation.

Marla Weiss, High school senior.

Michael Sokoloff, High school senior.

Michael Smith, High school senior.

Mr. Robert J. Venaue, President of WETIP.

Mrs. L'Cena Rice, Principal, Redondo Union High School, Redondo Beach, California.

Mr. James A. Mercer, Principal, Palisades High School, Pacific Palisades, California.

Mr. W. Terry Pearson, Principal, Santa Monica High School, Santa Monica, California.

Mr. James R. Ball, Principal, Los Angeles High School, Los Angeles, California.

Dr. Thomas T. Noguchi, Chief Medical Examiner and Coroner, Los Angeles County.

Dr. Irma H. Strantz, Drug Abuse Program Director, Department of Health Services, Los Angeles County.

Mr. Allen Price, business agent, and Mr. George Hogan, Greensman, Local 44, International Alliance of Theatrical State Employees (IATSE).

Mr. Martin Bacow, writer-director-labor consultant.

Mr. George Halpin, Regional Director, U.S. Drug Enforcement Administration.

Mr. Albert G. Bergesen, Regional Commissioner, U.S. Customs Service.

Mr. Marvin Milner, Regional Director of Patrol, U.S. Customs Service.

Rear Admiral Alfred P. Manning, Commander, 11th Coast Guard District.

Captain Robert Blanchard, Commanding Officer, Narcotics Division, Los Angeles Police Department.

Chief Jim Keane, Santa Monica Police Department.

Captain Jack G. Smith, Venice Division, Los Angeles Police Department.

Chief Frank Beeson, Hermosa Beach Police Department.

Mr. Robert Stein, Chairman and Treasurer, California Marihuana Initiative.

As part of its efforts to promote private sector involvement in a major national anti-drug campaign, the Select Committee turned to the entertainment industry to draw from its skills and expertise as to how to organize and promote such an undertaking. Further, the Select Committee wanted to explore the means by which the industry could play a more active and exemplary role in drug prevention and education. Through the personal efforts of Mr. Jack Valenti, President of the Motion Picture Association, contact was made with key representatives of the television and motion picture industries. A hearing of the Select Committee was later held in Los Angeles and the Committee heard testimony from its principal witness, Mr. Alan Horn, President of Tandem Productions.

Mr. Horn described his own organization's efforts to treat social issues, including drug and alcohol abuse, in a responsible and helpful manner, without undermining the entertainment and artistic value of such television series as "Archie Bunker's Place." In response to Select Committee Members' suggestions that new forms of cooperation might be possible between the entertainment industry and government agencies concerned with drug abuse, Mr. Horn indicated that he thought the idea worth exploring. "I believe it would take an enormous effort, a lot of work, to get all the elements working cooperatively toward that objective," he testified. "But if the cause is just, I am sure it would be worth it."

Mayor Tom Bradley of Los Angeles testified that celebrities in both the entertainment and sports areas "who are heroes in the eyes of the average youngster . . . can be effective in turning these youngsters away from the use of drugs and narcotics. . . ."

Among community-based programs, the Select Committee heard testimony regarding school-based efforts using discipline, information and persuasion in combating drug abuse among the student body. Mr. George French, President of Listen America founded by Art Linkletter, accompanied by several outstanding students, described how the organization promotes adolescent peer pressure against the influences of the drug culture. Another community-based program called WETIPS provides for citizens to assist authorities by reporting illegal narcotics activity in their communities to the authorities.

Law enforcement and criminal justice officials from several area jurisdictions as well as several Federal offices painted a familiar picture of a complex and ever-changing drug problem which taxes the resources of those agencies responsible for enforcing narcotics laws. California Attorney General George Deukmejian summed up much of the law enforcement and criminal justice testimony by noting that the trade in illicit drugs "constitutes the underlying motivation for much of our criminal activity. . . . Despite vigorous efforts by law enforcement agencies and expanded education programs, the extent and complexity of the narcotic problem have grown in scope and magnitude." Attorney General Deukmejian called for improved "coordination of information and enforcement efforts for the greatest impact."

As a follow-up to the Committee's hearing in California, a meeting with several leading film producers is planned for early 1982 again through the assistance of Mr. Jack Valenti, President of the Motion Picture Association of America.

2. SENTENCING PRACTICES AND ALTERNATIVES IN NARCOTICS CASES, JUNE 4, 1981 WASHINGTON, D.C.

Witnesses

Jim Smith, Attorney General, State of Florida.

J. Marshall Coleman, Attorney General, Commonwealth of Virginia.

Honorable William Hungate, United States District Judge, Eastern District of Missouri.

Joe Casey, Chief of Police, Nashville, Tennessee.

Cecil McCall, Chairman, U.S. Parole Commissioner.[1]

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[1] Statement submitted for the Record.

Prompted by increasing concern that the present Federal sentencing structure does not serve as a sufficient deterrent to narcotics trafficking, this hearing was held to assess the adequacy of the present Federal sentencing structure and what alternatives are available to enhance the deterrent effect of drug crime penalties. In addition the session examined the impact on the parole, penal and judicial system that would arise as a result of increased penalties for drug related offenses, as well as diversionary sentence alternatives for selected first time offenders.

Available data, while limited, indicate that less than two-thirds of Federal drug offenders receive adult prison sentences and only twenty percent of those convicted receive prison terms of five years or more. Criticism has grown in many quarters that the current use of indeterminate sentencing, with its traditional emphasis on rehabilitation, vests too much discretion in judicial and parole authorities resulting in too many serious violators serving little or no time in incarceration. Punishment is so uncertain, it is argued, that there is little deterrent effect on major drug traffickers and society is not adequately protected from this illicit trade.

A number of alternatives have been proposed to curtail discretion in the sentencing process. These determinate or fixed sentencing proposal include:

(a) Flattime Sentencing—A single sentence would be prescribed for each crime. Sentences would be served in full with no parole.

(b) Presumptive Sentencing—Not only would a "minimum" and maximum be set but also a "presumptive" sentence would be established for each crime or class of crime.

(c) Mandatory Minimum Sentencing—This would set a minimum sentence which must be served in its entirety without regard to the circumstances of the offense or offender.

(d) Sentencing Guideline—A sentencing commission would fashion guidelines for judges to consider in imposing sentences for each crime and for particular types of offenders.

Florida Attorney General Smith testified strongly in favor of mandatory minimum sentences for drug trafficking. Florida's mandatory penalties are determined by the type of contraband, degree of seriousness of the offense and the amount of contraband involved. Although the statutes have been only recently implemented, General Smith expressed his feelings that they already have shown to be successful. He cited examples of drug traffickers shifting their operations to other states to avoid Florida and suspects in Florida attempting to be taken into Federal custody to avoid state prosecution. Attorney General Coleman of Virginia endorsed the use of presumptive sentencing. He criticized strict mandatory minimum sentences as leaving no discretion in the hands of the courts. He endorsed a concept that would combine presumptive sentencing and sentencing guidelines. This would insure, Coleman believed, that "the serious offenders would go to jail and prison unless the judge will demonstrate in writing why that person ought not to go there." Judge Hungate agreed with the need for some descretion to be built into any change in the present Federal sentencing structure.

Chairman McCall indicated his opposition to any radical reform in the present sentencing structure. He indicated to the committee that the most important legislative improvement that could be made in present sentencing practice, would be to require a sentencing judge to provide findings and reasons for the sentence imposed. Such a requirement, he felt, would result in more consistent sentencing.

Chairman Zeferetti cautioned the witnesses that with any change in sentencing practices cognizance must be taken as to the impact upon the criminal justice system, particularly the penal system. Attorney General Smith indicated that Florida was committed to the expansion of prison construction.

The Select Committee endorses the need for changes in the Federal sentencing structure that will insure that sentences given drug offenders, particularly major traffickers, will serve to deter others from engaging in such behavior. Such reform of the sentencing structure must, however, consider and provide for the impact on the prison system and in the functioning of the parole system. As the General Accounting Office pointed out in an October 1979 Report entitled, "Gains Made in Controlling Illegal Drugs, Yet the Drug Trade Flourishes":

> In exercising judicial discretion, Federal judges impose sentences on drug violators for a variety of reasons, including deterrence, punishment, rehabilitation, and immobilization. These sentences have often been criticized as being too short to immobilize traffickers for long periods of time. Consequently, mandatory minimum sentences have been recommended to increase the periods of incarceration for high-level traffickers. Proper corrective action, however, must be more comprehensive than that, as each segment of the criminal justice system is interdependent. The entire issue is clouded by a lack of hard data that show who is sentenced, why they are sentenced, what the sentences are, and what is the result.

3. IMPACT OF FEDERAL BUDGET CUTS ON LOCAL NARCOTICS LAW ENFORCEMENT, JUNE 5, 1981, WASHINGTON, D.C.

Witnesses

Honorable William J. Hughes, Representative in Congress, State of New Jersey; Chairman, House Judiciary Subcommittee on Crime.

Sterling Johnson, Sr., Special Narcotics Prosecutor, New York City.

Daniel J. Courtenay, Chief of Organized Crime Control, New York City.

George L. Schneider, Essex County Prosecutor, Newark, New Jersey.

Hubert Williams, Director of Police, Newark, New Jersey.

Edward G. Rendell, District Attorney, Philadelphia, Pennsylvania.

David Abrahamsen, Narcotics Prosecutor, Philadelphia, Pennsylvania.

Robert Mitchell, Inspector, Narcotics Unit, Philadelphia, Pennsylvania.

Kenneth I. Harms, Chief of Police, Miami, Florida.

William A. Swisher, State's Attorney, Baltimore, Maryland.

Lt. Joseph Newman, Narcotics Unit, Baltimore Police Department.

Wilfred Coligan, Inspector, Morals Division, Metropolitan Police Department, Washington, D.C.

James Nestor, Captain, Narcotics Unit, Metropolitan Police Department, Washington, D.C.

The Select Committee on Narcotics Abuse and Control invited key prosecutors and police officials from the cities of New York, Newark, Philadelphia, Baltimore, the District of Columbia, and Miami to submit testimony regarding the problems of narcotics law enforcement in their cities and to describe what the probable consequences of Federal budget cuts in the narcotics law enforcement area would be in their communities.

Without exception, all the prosecutors and police officials who testified claimed that the availability of all types of drugs, from heroin and cocaine to PCP and marihuana, had increased. Not only had there been a notable increase in availability, but the purity of the illicit substances available had also increased markedly. For example, the average level of purity of heroin that was available for sale on the street had increased from seven percent to twelve percent purity in 1981. Average purity for wholesale purchases of heroin rose to 80 percent.

The social costs of widespread narcotics addiction were also described by the witnesses. Narcotics-related emergency room cases rose 100 percent over the last three years. Serum hepatitis B cases have also risen markedly. Narcotics arrests are also up by an average of 85 percent from the 1978 figure.

The witnesses emphasized that an increased Federal presence was necessary to combat narcotics trafficking in a cost-effective manner. Since narcotics trafficking operations are both interstate and international in scope, the witnesses said that local communities do not have the narcotics intelligence data base, the money or the manpower to effectively limit the scope of operations of narcotics trafficking organizations that are well-financed and whose personnel are spread throughout the world.

The implementation of the budget cuts in the law enforcement area, has resulted in several detrimental consequences as far as the Federal narcotics effort is concerned. Federally financed narcotics Task Forces composed of local and Federal prosecutors and law enforcement officers have either been eliminated or have had their staffs reduced. Travel expenses have been cut and, as a result, many investigations are not undertaken. In at least one instance, a DEA agent could not travel to Miami to identify a suspect in a narcotics investigation because funds were not available to purchase his plane fare. Similarly, narcotics investigations have been hampered because undercover agents do not have sufficient "buy money" to participate actively in narcotics sales and purchases.

The Select Committee on Narcotics Abuse and Control assured the witnesses that it would continue to strongly support the funding of Federal narcotics-related law enforcement agencies at levels that are needed to effectively combat drug trafficking.

4. BAIL REFORM AND NARCOTICS OFFENDERS, JULY 22, 1981, WASHINGTON, D.C.

Witnesses

Hon. William J. Hughes, Representative in Congress, State of New Jersey, Chairman, House Judiciary Subcommittee on Crime.

Hon. Harold S. Sawyer, Representative in Congress, State of Michigan, Ranking Minority Member, House Judiciary Subcommittee on Crime.

Francis M. (Bud) Mullen, Jr., Acting Administrator, Drug Enforcement Administration.

Hon. Peter Palermo, Magistrate, United States District Court, Southern District of Florida.

Hon. Frederick N. Smalkin, Magistrate, United States District Court, District of Maryland.

B. James George, Jr., Chairperson, Standing Committee on Standards for Criminal Justice, American Bar Association.

Bruce Beaudin, Esq., Director, District of Columbia Pre-Trial Services Agency.

Kenneth Feinberg, Esq.[2]

Joel Hirschhorn, Esq., National Association of Criminal Defense Lawyers.

Sol Z. Rosen, Esq.

Prompted by countless reported cases of major narcotics traffickers posting large amounts of money bail and subsequently failing to appear for further proceedings despite pleas by prosecutors that these offenders would not appear, the committee held a hearing to assess the problem of bail jumping in narcotics cases and to develop and recommend revisions to existing Federal Bail Laws to insure that such offenders are brought to trial.

The committee initially found that little data are available from any law enforcement or judicial agency of the Federal Government that presents a comprehensive overview of the extent of bail jumping nationwide. The only sufficiently accurate set of data which breaks out this problem is the Pre-trial Services Division of the Administrative Office of the U.S. Court which has kept reliable data on bail jumping among narcotics offenders, as well as other charges, in the ten demonstration districts of the service. This data clearly showed a clear correlation between bail jumping and narcotics cases.

The committee examined what suggestions and modifications are needed to strengthen federal bail laws. Acting Administrator Mullen, outlined the Administration's bail reform proposals: (1) courts be permitted to consider the issue of the danger the defendant may pose to a particular person or the community in making pre-trial release decisions; (2) courts be given the authority to detain defendants for whom no conditions of release are adequate to assure appearance at trial; and (3) reverse the present standard presumptively favoring release of convicted persons awaiting execution of sentences or appealing convictions. Federal Magistrates Palermo and Smalkin both agreed that they should have specific statutory authority to consider danger to the community presented by an individual in setting release conditions but urged the committee that Congress in drawing new bail laws should not straightjacket the discretion of the magistrate in fashioning release conditions.

Bruce Beaudin, Esq. and Kenneth Feinberg, Esq. testified as to a new approach to bail reform, the concept of "no money" bail. Succinctly, this approach abolishes money or surety bonds as a pre-trial release condition. Its proponents argue that money bail is an ineffective means of pre-trial release and that court fashioned conditions of release better assure reappearance in court and protecting the community. They further assail money bail as discriminating against poor people who often cannot pay what even many would consider to be a reasonable bail. It also serves as a revolving door for monied defendants such as drug traffickers who can post large amounts of cash bail and easily flee the jurisdiction. Lastly, money bail is criticized when used to detain defendants considered to be dangerous by setting a high money bail under the guise that the defendant is likely to flee.

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[2] Statement submitted for the record.

Based on the hearing and its other inquiries, the Select Committee believes that bail reform is needed to the extent of permitting courts to actively consider danger to the community in setting release conditions.

The Select Committee is preparing a staff study examining each of the proposals in detail.

5. COMMUNITY EFFORTS IN DRUG ABUSE PREVENTION AND INTERVENTION, NEW YORK CITY, SEPTEMBER 14, 1981

Witnesses

His Eminence Terence Cardinal Cooke, Archbishop of New York.[3]

Julio Martinez, Director New York State Division of Substance Abuse Services.

T. Vincent Learson, former Board Chairman, IBM.

Reverend Father Terence Attridge, Director, Office of Substance Abuse Ministry, New York Archdiocese.

Frank A. McCorry, Director, Archdiocesan Drug Abuse and Alcohol Prevention Program.

Rabbi Murray Friedman, Director, CounterForce, Hebrew Day Schools.

Reverend Father Coleman Costello, Queens Outreach Program.

Reverend Father John McVernon, New York State Association of Substance Abuse Programs.

Chief Daniel J. Courtenay, Organized Crime and Narcotics Division New York City Police Department.

Arthur Jaffe, Director, SPARK, New York City High Schools.

Marvin Klibonoff, East Ramapo (N.Y.) School District.

Sidney Glassman, Chairman, Coalition of Directors of School Based Drug Programs, New York City.[3]

Carl Nolte, M.D. Banker's Trust Company.

Paige E. Cook, District Council 37, American Federation of State, County and Municipal Employees.

Richard Pruss, President, Therapeutic Communities of America.

Beny J. Primm, M.D., Executive Director, Addiction Research and Treatment Corporation.

This hearing was held to assess community responses to drug abuse and to develop recommendations for Federal initiatives to support such efforts on a nationwide scale. The hearing focused upon drug abuse prevention and early intervention programs sponsored by educational, religious, business, labor, state and local institutions.

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[3] Statement submitted for the record.

In the face of Federal budgetary reductions, the Committee seeks to develop a role for the Federal Government to promote state, local and private drug abuse prevention and early intervention programs. Reviewed at the hearing were innovative prevention programs such as the "Call to Action" program sponsored by the Archdiocese of New York and the "CounterForce" program of the Hebrew Day Schools. Also examined was the CATCH (Citizens Alliance to Combat Heroin) and CAPDA (Citizens Alliance to Prevent Drug Abuse) launched by the New York State Division of Substance Abuse. Both CATCH and CAPDA are community based efforts to mobilize the resources of the community in prevention efforts. Closely involved with both groups are parent organizations active in the prevention effort. In the words of Julio Martinez, the State's Substance Abuse Director, "Parents are the first line of defense against drug problems."

The significant theme running through successful prevention efforts is that they not be strictly anti-drug but emphasize good living habits. Successful programs, whether they be schoolbased, sponsored by labor or business, or by religious groups are based around good information, not scare tactics; positive attitudes and constructive activities. Developing good and certain opinions about oneself is the key to a successful prevention program.

Several suggestions were proposed at the hearing for a future role for the federal government in prevention efforts. Because private funding is necessary to sustain these programs, it was suggested that tax credits be given to businesses which give contributions to private prevention programs.

It was further suggested that the National Institute on Drug Abuse seek out and identify successful prevention and intervention programs to serve as models for the interested groups around the country. Witnesses also felt that the Federal government can serve as a clearinghouse for information concerning prevention programs. The work of the Committee has led to the development of linkages between the religious/business/public and other communities in broadbased efforts to combat substance abuse. A leadership role by the Federal government is crucial.

6. DRUG ABUSE IN THE MILITARY: FINDINGS OF THE SELECT COMMITTEE SURVEY, SEPTEMBER 17, 1981, WASHINGTON, D.C.

Witnesses

John F. Beary, III, M.D., Assistant Secretary of Defense (Health Affairs).

Brigadier General William Louisell, USA, (retired), Deputy Assistant Secretary of Defense for Drug and Alcohol Abuse Prevention.

Major General Mary E. Clarke, USA, Director, Human Resources Development Office of the Deputy Chief of Staff for Personnel, Department of the Army.

Major General William R. Usher, USAF, Director, Personnel Plans, United States Air Force.

Rear Admiral Paul J. Mulloy, USN, Director, Human Resources Management Division, Office of the Chief of Naval Operations, United States Navy.

Brigadier General Anthony Lukeman, USMC, Director, Plans and Policy Division, Manpower Department, Headquarters, United States Marine Corps.

Mr. William Gordon Fink, Director, Office of Congressional and Public Affairs, U.S. Drug Enforcement Administration.

Mr. John Warner, Director, Foreign Operations, U.S. Drug Enforcement Administration.

The hearing was held to discuss the results of the Survey of Drug Abuse in the Military administered to enlisted U.S. military personnel by the Select Committee's Task Force on Drugs in the Military, under the leadership of Congressman Glenn English and Congressman Benjamin Gilman. During June and July, 1981, the Task Force administered 1,906 confidential personal drug use questionnaires to members of each of the military services stationed in the Federal Republic of Germany and Italy. The Survey indicated that while there was less abuse of hard drugs, such as heroin, among U.S. Army troops stationed in West Germany, substance abuse among military personnel, particularly hashish, remains severe.

The hearing focused upon the results of the Survey and heard testimony from Defense Department witnesses who formulate and direct the drug and alcohol prevention and control efforts of the individual services. The goal of the hearing was to develop a comprehensive perspective of the problems and issues confronting the Armed Forces in the areas of substance abuse prevention and control and the measures which must be taken to effectively counter that threat.

At the hearing the Members made clear their concern at the shockingly high levels of substance abuse among the young men who serve in this country's Armed Services which is affecting our military readiness. It is evident that although the magnitude of the drug abuse problem within the military is rapidly reaching endemic levels, the policy planners have not assigned a high priority to prevent and control substance abuse within the Armed Forces.

The representatives of the Department of Defense and the services presented the Pentagon's drug abuse position by listing a series of technological identification methodologies and techniques that are being developed. The Navy representative emphasized that the Navy is taking a strong, hard look at the problem and has instituted a major effort throughout the service to bring the situation under control.

The Select Committee's Task Force on Drug Abuse in the Military is continuing its investigation into the nature and extent of substance abuse within the Armed Forces and will cooperate closely with the Department of Defense and the services to assure the development and implementation of effective drug abuse prevention and control programs.

7. FINANCIAL INVESTIGATIONS OF DRUG TRAFFICKING, OCTOBER 9, 1981, FORT LAUDERDALE, FLORIDA

Witnesses

Hon. D. Robert Graham, Governor of Florida.

Jim Smith, Attorney General, State of Florida.

Robert E. Powis, Deputy Assistant Secretary of the Treasury for Enforcement.

Philip Coates, Assistant Commissioner for Compliance, Internal Revenue Service.

Vernon D. Meyer, Southeast Regional Director, Drug Enforcement Administration.

Joseph V. Corless, Special Agent in Charge, Miami, Federal Bureau of Investigation

William P. Rosenblatt, Regional Director of Investigations, Miami, U.S. Customs Service.

Jorge Rios-Torres, Attorney in Charge, Operation Greenback.

Anthony Langone, Internal Revenue Service.

Peter Gruden, Special Agent in Charge, Miami, Drug Enforcement Administration.

James W. York, Commissioner, Florida Department of Law Enforcement.

Gerald Lewis, Comptroller, State of Florida.

Jesse G. Snyder, Chief Intelligence Section, Federal Deposit Insurance Corporation.

John E. Ryan, Director of Banking Supervision and Regulation, Federal Reserve System.

Robert J. Herrmann, Regional Administrator for Customer and Community Program, Atlanta, Comptroller of the Currency.

Raul P. Masvidal, Chairman of the Board, Biscayne Bank.

Charles Kimball, Real Estate Economist.

The use of financial investigations against drug traffickers was the focus of this hearing. South Florida was chosen as the site of the hearing since most marihuana and cocaine is smuggled into this country through that area and the huge amounts of cash involved in trafficking operations are laundered through the area's financial institutions. The hearing closely scrutinized the use of the reporting requirements of the Currency and Foreign Transactions Reports Act (Bank Secrecy Act) as a tool used by Federal investigators to identify, seize and ultimately forfeit money and other assets illegally obtained by drug traffickers. In this regard, the hearing took a close look at the workings of "Operation Greenback", a multiagency task force whose mission is to disrupt the operations of major drug trafficking by attacking and seizing their assets. In addition the committee examined the Federal Bureau of Investigation's "Operation Bancoshares" which sought to identify and seize drug related assets by monitoring the activities of major drug traffickers in an undercover "sting" operation.

The main thrust of the hearing dealt with the efficacy of the Bank Secrecy Act and how it can be amended to strengthen its usefulness in commencing audit trails against traffickers. Related to this inquiry was how financial investigations are limited by provisions in the Tax Reform Act of 1978, the Right to Financial Privacy Act and the Freedom of Information Act and what legislative changes would be needed to remove any impediments presented by these laws to conduct financial investigations and successfully prosecute.

Lastly, the Committee examined the relationship between the banking community and federal investigators. A representative of the financial sector complained that when these investigations were first undertaken in South Florida the investigators approached the banking community waringly and failed to establish a cooperative working relationship. The Treasury witnesses agreed to promote a better working relationship with the financial institutions in South Florida since their cooperation is vital.

The hearing served not only to identify problem areas for remedial legislation but also served to bring the Federal agencies involved closer together in a spirit of cooperation and mutual assistance.

8. LOOK-ALIKE DRUGS, OCTOBER 26, 1981, JERSEY CITY, NEW JERSEY

Witnesses

Joseph P. Hile, Associate Commissioner for Regulatory Affairs, Food and Drug Administration.

Edward C. Tocus, Ph.D., Chief, Drug Abuse Staff, Neuropharmacological Drug Products, Bureau of Drugs, Food and Drug Administration.

Jeffrey B. Springer, Office of the General Council, Food and Drug Administration.

Gene R. Haislip, Director, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration.

Michael Tobin, Special Agent in Charge, Newark District Office, Drug Enforcement Administration.

William T. Murphy, Assistant Chief Postal Inspector for Criminal Investigation, United States Postal Service.

David W. Madden, Inspector in Charge, Special Investigations Division, United States Postal Service.

Harold J. Ruvoldt, Jr., Prosecutor, Hudson County.

Joseph A. Falcone, Prosecutor, Passaic County.

John P. Goceljak, First Assistant Prosecutor, Passaic City.

Lawrence Loughlin, Detective, West Milford Township Police Department.

Eric Organ, D&E Pharmaceutical Company.

Todd Weller, D&E Pharmaceutical Company.

Lucius Bowser, Chief, Drug Control Program, New Jersey Department of Health.

Arthur N. Leibowitz, M.D., Pediatrician, Philadelphia, Penn.

James R. Zazzali, Attorney General, State of New Jersey.

James Hoyak, Editor, The Argus, West Milford, New Jersey.

Arthur Zampella, M.D., West Milford Youth and Family Advisory Council, West Milford, New Jersey.

Geraldine Silverman, Chairman, Drug Awareness Committee, Millburn Conference of Parents.

The hearing was held in response to increasing concern, as evidenced by reports in the media and actions by Federal and state agencies, over the rapid rise in the sale and abuse, with resulting harm, of what are popularly known as "look-alike drugs." Look-alike drugs are capsules and tablets that are made to resemble well known controlled substances such as amphetamines and methaqualone (Quaaludes) but which contain only non-controlled substances approved for use in over-the-counter (OTC) preparations, mainly caffeine, ephedrine (a decongestant), and phenylpropanolamine (PPA-a decongestant and appetite suppressant). They may also contain various antihistamines and/or analgesics.

The purpose of this hearing was to explore the problems encountered by Federal and State law enforcement agencies, medical problems connected with the use of look-alike drugs, and the community response to the problem. Also, since New Jersey is located in a major legitimate drug manufacturing area; and is also a major illicit drug trafficking and abuse area, the Select Committee's hearing on look-alike drugs were intended to bring public awareness to this issue.

The Federal witnesses confirmed the harmfulness of look-alikes and the impact upon young people who are exploited by the industry, and, in effect, introduced into the "drug culture." The Food and Drug Administration (FDA) initiated positive action by seizing nine manufacturing facilities in several states which netted about fifteen mllion capsules and tablets as well as manufacturing machinery valued at over a million dollars. FDA took action only against those manufacturers whose products were identical or nearly identical to legitimate products. FDA had not yet addressed the health issue, though such authority to act appears clear. Also, the Postal authorities and the Drug Enforcement Administration expressed inability to take any action due to the absence of statutory authority. DEA has, however, developed a model state statute against look-alikes, but the thrust is on fraud and does not address the health issue.

Dr. Leibowitz, a pediatrician from Philadelphia, who has closely examined the problem, testified and expressed serious concern over the health hazards posed by look-alike drugs.

The Select Committee was encouraged by the action of a community in New Jersey led by the local newspaper against a look-alike distributor. Lacking authority, however, local law enforcement and state health officials could not stop the distributors, though public pressure prevented them from operating near schools. The Select Committee heard testimony from the distributors, who market only look-alikes, and were shocked by their disregard for the health of their customers and their desire to only make a large profit.

The Select Committee is currently studying the State statutes and the model state statute along with current laws that could possibly be enforced by Federal agencies. The Select Committee is also exploring legislative proposals that would control certain drugs used in the manufacture of look-alikes and in strengthening current Federal laws which might be used against the manufacture, sale and distribution of look-alike drugs.

9. FEDERAL DRUG STRATEGY, NOVEMBER 19, 1981, WASHINGTON, D.C.

Witnesses

Dr. Carlton E. Turner, Senior Drug Policy Adviser, Office of Policy Development, The White House.

Dr. William Mayer, Administrator, Alcohol, Drug Abuse, and Mental Health Administration, Public Health Service, Department of Health and Human Services.

The purpose of this hearing was to review and evaluate the Reagan Administration's progress in developing and implementing a comprehensive, coordinated, long-term Federal drug strategy as required by law.

Prior to the President's address on crime to the International Association of Chiefs of Police in New Orleans on September 28, 1981, Administration officials had said little concerning drug policy. Key policy posts in several Federal drug agencies had remained unfilled for many months. Furthermore, numerous efforts by the Committee to meet with White House officials to discuss how Congress and the Administration could work together to formulate an effective drug strategy had been unsuccessful.

In New Orleans, the President indicated that controlling drug trafficking and drug related crime and preventing drug abuse would be high priorities in his Administration. He outlined the major points in the Administration's narcotics enforcement strategy including a vigorous foreign policy to interdict and eradicate illegal drugs, an improved border policy to detect and interrupt drug trafficking including use of available military resources for detection, more effective coordination of Federal, state and local law enforcement agencies, and a legislative program featuring statutory reforms dealing with bail, sentencing, admission of evidence and access to tax information by Federal law enforcement agencies. He also called for a mobilization of our religious, educational and fraternal groups in a national education program against drug abuse and said the Administration would do all in its power to encourage efforts such as the National Federation of Parents for Drug Free Youth. At about the same time, however, the President asked Congress for substantial, across-the-board cuts in Federal agency budgets, including drug agencies.

The combination of circumstances outlined above, coupled with the President's failure to designate a single drug representative and appoint a drug strategy council as required by law, raised numerous questions about the Administration's commitment to an effective drug policy. In view of the Committee's mandate to develop comprehensive drug policy recommendations, the Committee sought to obtain answers to these questions from the highest levels of the Administration. The Chairman wrote to the President and asked him to send his representative to testify before the Committee on the Administration's drug strategy, Dr. Turner was designated to appear. The Committee also invited HHS Secretary Schweiker to testify on demand reduction issues, Dr. Mayer was designated to represent the department. Finally, the Committee invited Attorney General William French Smith to testify in his capacity as Chairman of the cabinet-level Interagency Task Force on Drug Law Enforcement (the President has announced in New Orleans that he was establishing such a group). The Attorney General was unable to appear on the date requested, but the Committee is attempting to schedule another time for him to testify.

The Chairman's opening statement outlined some of the critical questions the Committee wanted answered including:

How can the effectiveness of our drug law enforcement agencies be maintained in the face of severe budget cuts?

Who is in charge of overall drug policy formulation and coordination within the Administration?

When will the President appoint a strategy council?

How will the new interagency Task Force on Drug Law Enforcement established by the President be organized and what duties and responsibilities will it have?

How will the Federal Government maintain a continuing leadership role in reducing the demand for drugs now that primary responsibility for drug services has been shifted to the States through block grants?

In his statement to the Committee, Dr. Turner emphasized that the Administration intends to mobilize existing resources in four major components of society—the Federal Government, state and local governments, the business community and the forces of volunteerism—in the effort to prevent and control drug abuse. The major objective of this effort is to integrate existing resources in a broader more balanced approach to drug abuse problems. The primary role of the Federal Government in this effort will be to make use of all Federal resources and to provide national goals and information to assist state and local governments in mobilizing their resources and to encourage use of business community resources.

Turner said the Administration's drug program would encompass five major areas: research, detoxification and treatment; prevention and education; international cooperation; and drug law enforcement. In the latter three areas, he basically reiterated support for the initiatives presented by the President on September 28. He announced plans for a White House conference on drug prevention and education early in 1982 and endorsed a number of other measures not specifically mentioned by the President including:

Consideration of drug issues in AID development programs and other international agreements;

Eradication of domestically-produced marihuana;

Active participation in the United Nations Fund for Drug Abuse Control and other international drug control organizations;

Greater use of National Guard organizations in drug enforcement efforts;

Legislation to broaden and expedite criminal forfeiture of assets obtained from drug trafficking; and

Mandatory minimum sentences for all drug traffickers regardless of the drug.

In the area of research, Dr. Turner said one of the highest priorities should be the development of antagonists that nullify the expected action of a drug. He said such antagonists could be used to reduce the time a person spends in treatment and could lessen the drain of resources required for long-term maintenance treatment. This in turn led to his statement that in the area of treatment the Federal Government would encourage states to continue detoxification and treatment programs that will reduce the length of time a person spends in treatment and will work towards the detoxification of patients from all drugs. He also said the Administration would encourage the integration of drug abuse services into the general health care system.

Dr. Mayer's testimony outlined the role the Department of Health and Human Services will play in providing continued Federal leadership to reduce the demand for drugs. He said HHS places a high priority on drug abuse problems and emphasized that this view is consistent with the Administration's block grant mechanism and its budget proposals. He indicated that because Federal drug funds had been increasingly channeled through single state agencies in prior years, the states had already assumed major management responsibilities for drug abuse functions. The switch to the new Alcohol, Drug Abuse and Mental Health (ADM) block grant, he said, would now give states more flexibility to determine their own needs and target resources accordingly. With regard to the budget cuts, Mayer said that the Administrataion's plan for national recovery succeeded in balancing the overriding national priority of economic recovery with the multiple health needs of our society, including those of drug abuse.

As additional evidence of the priority the Department places on drug abuse matters, Mayer discussed the following major points:

> The Secretary has decided to maintain the National Institute on Drug Abuse (NIDA), along with the two other institutes that comprise the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA), as separate entities rather than consolidate them within the National Institutes of Health as had been discussed earlier;
>
> Eight other HHS agencies in addition to NIDA have responsibilities for drug related activities. The Assistant Secretary for Health has directed NIDA to develop in intradepartmental task force to coordinate the multiple drug abuse activities carried out by these nine departmental agencies;
>
> NIDA will continue to sponsor and conduct basic and applied research on drug abuse problems;
>
> NIDA will continue to disseminate public information and will be launching a major media campaign in 1982 to discourage young people from using marihuana;
>
> NIDA will develop and evaluate new treatment and prevention technologies;
>
> NIDA will help administer the ADM block grants and will provide technical assistance to state and community agencies within available resources.

Concerns expressed by members of the Committee focused on two major areas: the proposed budget cuts and the Administration's inactivity in establishing mechanisms to develop, coordinate and implement drug policy. Responding to questions about the impact of the proposed cuts, Dr. Turner said that the budget cuts should not prevent any agency from carrying out its functions as long as resources were properly marshalled in areas of priority. The members were highly skeptical of the Administration's claims that drug agencies could continue to perform their missions effectively under the proposed cuts. They criticized the cuts as indicative of the lack of priority devoted to drug concerns by the Administration and urged that funding for drug programs, particularly in the enforcement area, be given a higher priority.

In response to questions about policy development and coordination, Dr. Turner acknowledged that the President had not yet designated a single drug representative as required by law, that the cabinet-level Task Force on Drug Enforcement the President was establishing had not yet been organized nor had its duties and responsibilities been clearly defined, that a system for developing and coordinating overall drug policy was still under consideration within the Administration, and that no decisions had been made with respect to the statutorily mandated strategy council. Again, members criticized the Administration's failure to resolve these issues after nearly ten months in office as indicative of a lack of commitment to an effective drug strategy.

The Committee intends to monitor closely the Administration's progress in formulating and implementing drug policy in the months ahead. Specific recommendations in this area are discussed further in Part II of the Committee's report.

B. SELECT COMMITTEE'S ASSISTANCE TO THE CONGRESS

1. SUBCOMMITTEE ON HUMAN RESOURCES, COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Chairman Zeferetti provided a statement to the Subcommittee on Human Resources at its hearing chaired by Congresswoman Geraldine Ferraro, which was conducted at the John F. Kennedy International Airport in New York. The purpose of the hearing was to assess the impact of proposed cuts of Customs Service personnel in the New York area. The Chairman expressed opposition to the cuts in view of the increasing inflow of heroin and other illegal drugs into the United States.

The Chairman stressed that current strengths of Customs personnel are not stopping the inflow of illegal drugs and any cuts will undoubtedly allow a greater inflow of illegal drugs, particularly since New York is the gateway into the United States of heroin from the Middle East and Southeast Asia.

2. CURRENCY AND FOREIGN TRANSACTIONS REPORTING ACT

In coordination with the Select Committee's investigation of the Federal effort to aggressively identify, seize and forfeit the assets of major drug traffickers, Chairman Zeferetti testified before the Banking Committee's Subcommittee on General Oversight and Renegotiation on July 23, 1981. The hearing was called by Oversight Subcommittee Chairman Joseph Minish in response to a General Accounting Office Report entitled "Bank Secrecy Act Reporting Requirements Have Not Yet Met Expectations, Suggesting Need For Amendment" which was issued for publication the same date of the hearing.

In his testimony before the Subcommittee Chairman Zeferetti underscored the need for aggressive financial investigation of drug traffickers. Commenting on the techniques employed by "Operation Greenback", a multi-agency task force operating in the Miami, Florida area, the Chairman stated, "that the way to cut the heart out of this incredibly large underground economy is to effectively enforce the Bank Secrecy Act so that an audit trail exists on the movements of large cash when transactions are involved."

The Chairman called for the increased use of financial investigations such as Greenback and called for a strengthening of Bank Secrecy mechanisms. He noted prior legislative recommendations that would place an "attempt" provision into the act to make it a criminal offense to attempt to leave the country with large amounts of currency without first filing the reports already required under the Act. Current law does not expressly make such attempts a crime, with some courts holding that a violator must actually leave the country before the crime occurs; a point at which arrest is often impossible. The inclusion of an attempt provision would clarify this situation.

A further legislative proposal suggested was to change the search authority possessed by Customs when investigating outbound cash flows. Presently, a probable cause standard exists before a search warrant can be issued for a suspected currency reporting violation. This burden impedes Customs investigations, so it is argued, because it is a higher standard than that which already exists in Customs' basic long-standing warrantless border search authority that requires only a reasonable cause to suspect.

Chairman Zeferetti asked the Subcommittee to give these issues serious consideration and offered the cooperation of the Select Committee in this effort.

3. SUBCOMMITTEE ON THE DEPARTMENT OF DEFENSE—COMMITTEE ON APPROPRIATIONS

On June 18, 1981, Chairman Zeferetti represented the Select Committee at a hearing held by the Subcommittee on the Department of Defense of the Committee on Appropriations. The Subcommittee is chaired by Congressman Joseph Addabbo. The purpose of the hearing was two-fold: to explore the overall policies and activities of the Department of Defense in the area of drug and alcohol prevention and control; and to question witnesses regarding reports of drug abuse possibly contributing to the crash of an EA-6B aircraft aboard the aircraft carrier USS Nimitz in which fourteen people were killed, forty eight were seriously injured, and twenty aircraft were damaged or destroyed at a cost of over $100 million. Several of the crew members killed on deck were found with evidence of drugs in their systems; and it was this finding which prompted the hearing.

Chairman Zeferetti underlined the commitment of the Select Committee as well as his own personal interest in the vital national security and human issue of drug abuse in the military. He stressed that while the Department of Defense and the services argue that drug abuse in the military is only a reflection of the situation in the civilian sector of society, that is an unacceptable and invalid argument. Chairman Zeferetti stated that, "There is no level of drug abuse within the military which is acceptable . . ." and re-affirmed to Chairman Addabbo that the Select Committee will work cooperatively with other Congressional Committees to bring the magnitude of the military drug problem to the attention of the American people.

4. BAIL REFORM

As part of the Select Committee's monitoring of Congressional efforts involving bail reform, Chairman Zeferetti shared with the Subcommittee on Courts, Civil Liberties and the Administration of Justice of the Judiciary Committee the testimony offered at the hearing on bail reform held by the Select Committee on July 22, 1981. The Chairman submitted a prepared statement at the Subcommittee's hearing on bail reform that was held on July 29, 1981. Mr. Zeferetti outlined the testimony given at the Select Committee's hearing and pointed out the need for establishing better procedures to account for instances of bail-jumping nationwide. Chairman Zeferetti indicated to the Subcommittee that there is no Federal agency that keeps comprehensive data on the nature and extent of bail-jumping nationwide.

To assist the Subcommittee in its consideration of bail reform, Mr. Zeferetti urged upon Chairman Kastenmeier that he call upon Mr. Bruce Beaudin and Mr. Kenneth Feinberg as well as witnesses at his own Subcommittee to give them the opportunity to outline their "no money" bail concept. The Chairman stated that a magistrate could either release a defendant on his own recognizance, release him subject to conditions, or detain the defendant if no set of conditions can assure his reappearance or community safety.

The Chairman impressed upon the Courts Subcommittee to consider this as well as other bail reform proposals and offered the assistance of the Select Committee in this important area.

5. LEGISLATIVE CRIMINAL FORFEITURE PROPOSALS

Chairman Zeferetti, on July 9, 1981, introduced H.R. 4110 to improve the effectiveness of criminal forfeiture. In essence, this bill would amend the forefeiture provisions of the Racketeer Influence and Corrupt Organization (RICO) Act (18 USC 1963) and the Continuing Criminal Enterprise (CCE) statute (21 USC 848) to enhance their potency as a forfeiture tool. The bill was co-sponsored by 29 other Members including eleven Members of the Select Committee.

Specifically, the changes proposed would extend the present forfeiture provisions of the RICO statute to all profits and proceeds obtained in a drug trafficking enterprise or in any other illegal activity subject to prosecution under the Act. Presently, only the assets directly involved in RICO violation are subject to forfeiture. H.R. 4110 would make clear that all profits and proceeds of a narcotics enterprise would be subject to forfeiture regardless of any conversion to any other assets or whether obtained or held directly or indirectly. Similarly, the CCE statute would be amended to permit the forfeiture of all the proceeds of transactions prosecuted under the Act. At the present time CCE permits forfeiture only of a drug criminal enterprise.

A further amendment to the RICO statute would make clear that the law applies to wholly illegal groups of individuals engaged in narcotics trafficking, regardless of organizational structure or form. The Supreme Court in U.S. v. Turkette—U.S. Docket Number 80–808, June 17, 1981, clarified this issue by holding that the RICO statute does apply to any type of scheme or organization. This amendment would make the statute unequivocally clear on the issue. This is an important consideration insofar as narcotics traffickers are concerned when one takes into account that they are, for the most part, wholly criminal organizations. Lastly, both RICO and CCE would be amended to permit the forfeiture of other assets of a trafficker when he puts his illegal gains beyond the reach of forfeiture procedures. At the present time both statutes only permit the forfeiture of assets directly related to the offenses for which the defendant is convicted; neither RICO nor CCE speaks to illegal gains that are transferred to third parties or placed in unreachable foreign depositories. This amendment would allow the forfeiture of any other assets a trafficker has in his possession that are not otherwise subject to forfeiture to the extent that illicit assets identified for forfeiture are unreachable.

On March 30, 1981, Mr. Gilman, joined by fifteen Members of the Select Committee, introduced H.R. 2910, amending the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91-513) to permit the Attorney General to use certain proceeds from forfeited property for the purchase of evidence and other information—commonly called PE/PI money or drug "buy" money. Rather than turning over to the U.S. Treasury all proceeds of forfeited property for deposit in the general fund, as required under PL 91-513, H.R. 2910 would permit the Drug Enforcement Administration (DEA) to utilize not more than $5 million of the forfeited proceeds to purchase evidence and other information for its drug investigations during fiscal 1982 and thereafter $10 million in forfeited proceeds or the equivalent of five percent of DEA's authorized appropriation, whichever is greater. These amounts are intended to supplement, not to replace or to reduce, authorized appropriations for DEA's drug trafficking investigations and are limited to a special function: the purchase of evidence and other information needed for the arrest and conviction of drug traffickers. The Attorney General would be required to transmit an annual report to the Congress on the expenditure of these funds.

At a time when Federal, State and local enforcement agencies are faced with shrinking budgets, a shortage of dollars eroded by inflation, and when undercover purchases of heroin cost approximately $10,000 for one ounce, this measure is intended to help meet the increased costs of investigating drug trafficking violations and to use untaxed dollars to help convict drug traffickers.

On September 16, 1981, the House Judiciary Subcommittee on Crime held hearings on several criminal forfeiture measures, including H.R. 2910 and H.R. 4110. Chairman Zeferetti and Congressman Gilman testified in support of these measures.

6. USE OF PARAQUAT TO ERADICATE MARIHUANA CROPS

The Select Committee has encouraged and supported efforts in the 97th Congress to repeal the so-called Percy Amendment (Section 4 of the International Security Assistance Act of 1978, P.L. 95-384, which amended Section 481 of the Foreign Assistance Act of 1961). That provision forbids the use of U.S. foreign assistance funds to support marihuana eradication programs abroad involving the spraying of paraquat. The prohibition was triggered by a 1979 by the Department of Health, Education, and Welfare (HEW) that an estimated 50-100 marihuana smokers a year in the United States were likely to be harmed by smoking paraquat-sprayed marihuana.

During the 96th Congress, the Select Committee conducted a thorough investigation and held a series of public hearings to evaluate the impact of the Percy Amendment. The Select Committee's extensive report found that paraquat is the most effective and environmentally safe herbicide available for use in marihuana eradication programs. Furthermore, the report found that HEW analysis of potential health risks from smoking paraquat-sprayed marihuana was based on computer simulation studies using a number of highly questionable "worst case" assumptions. The Select Committee concluded that the risk of additional harm to marihuana smokers who smoked paraquat-sprayed marihuana was speculative at best, especially in light of increasing evidence of harm from regular use of marihuana itself. The Select Committee also concluded that the Percy Amendment's restriction had seriously undermined the credibility of this country's commitment to international narcotics control and had impeded our ability to encourage the cooperation of source countries on drug matters. Taking into account all of these considerations, the Select Committee recommended that the Percy Amendment be reexamined.

Early in the 97th Congress, Mr. Evans, Mr. Shaw, and other Members of the Select Committee introduced bills to repeal the Percy Amendment. These measures were considered by the Foreign Affairs Committee in connection with the foreign assistance authorization bill for fiscal year 1982. In April, Chairman Zeferetti, on behalf of the Select Committee, wrote to the Chairman of the Foreign Affairs Committee and the Chairman of the two Subcommittees with jurisdiction (Inter-American Affairs and Asian and Pacific Affairs) urging favorable action on the paraquat proposals introduced by Select Committee Members. The conference report on S. 1196, the International Security and Development Act of 1981, recently approved by Congress, contains compromise language repealing the Percy Amendment and removing restrictions that limited use of $16 million of 1980 fiscal year narcotics aid funding for Colombia for equipment, fuel and training related to drug interdiction efforts.

7. REAUTHORIZATION OF THE ALCOHOL AND DRUG ABUSE EDUCATION TAX

In May, Chairman Zeferetti and fifteen other Select Committee Members wrote to the Chairman of the House Committee on Education and Labor supporting the continuation of the Alcohol and Drug Abuse Education Act as provided in H.R. 2644. The Alcohol and Drug Abuse Education Program (ADAEP) authorized by that Act is designed to help local school districts plan, implement and sustain drug and alcohol abuse prevention programs. The program provides training and technical assistance to teams of teachers, administrators, counselors and other officials from elementary and secondary schools. Each "school team" learns how to assess the particular needs of their school and community, how to design programs tailored to meet those needs, and how to generate local resources to continue programs once established. The ADAEP philosophy emphasizes meeting the broad developmental needs of children so that they will be able to make responsible decisions about the problems they face in their daily lives, including pressures to use drugs.

With only a modest budget, ADAEP has trained teams from every State and Territory. Many schools that have participated in the program report not only a substantial decline in drug and alcohol related problems but also decreases in vandalism, truancy, drop-outs, and other disruptive behavior, resulting in improved school environments that are more conducive to learning.

The Members' letter summarized the highly favorable testimony the Select Committee has received about ADAEP in numerous hearings. The letter recommended continuation of the program as a successful and cost-effective means to assist local communities respond to local needs with local resources. The letter was included in the Education and Labor Committee's favorable report on H.R. 2644.

Under the Omnibus Budget Reconciliation Act of 1981, the activities authorized by the Alcohol and Drug Abuse Education Act were included in the Education Secretary's discretionary authority (Section 583) with funding protected at the fiscal year 1981 level.

8. POSSE COMITATUS

During mark-up of the fiscal year 1982 Defense authorization bill, the Chairman and ranking minority member of the Select Committee wrote to the Chairman of the House Armed Services Committee urging the Committee to authorize limited military assistance for civilian drug enforcement activities.

The Select Committee has long supported increased use of military resources to assist the efforts of civilian law enforcement agencies in stemming the flow of illegal drugs into the United States. Numerous hearings held by the Select Committee, particularly in the Southeastern region of the United States and more recently in California, have established that our law enforcement agencies do not have the equipment or capability to make an appreciable impact on better equipped and highly sophisticated drug trafficking operations. Many of the law enforcement witnesses who have appeared before the Select Committee have testified that their drug interdiction efforts could be significantly enhanced if the military services provided indirect support, especially in the areas of communications and information on the location and movement of suspected trafficking vessels and aircraft. Such support has been impeded, however, by the Posse Comitatus Act which restricts military involvement in civilian law enforcement.

In 1981, the Senate-passed version of the Defense Department authorization bill (S. 815) included language proposed by Senator Nunn that authorized limited military assistance for civilian enforcement activities including drug law enforcement. This support was primarily in the areas of information sharing, use of military equipment and facilities, and training. The letter from the Chairman and the ranking minority Member of the Select Committee to the Chairman of the House Armed Services Committee summarized the need for such military assistance established by the Select Committee's hearings and urged the Armed Services Committee to adopt a similar provision in its consideration of the Defense authorization bill. Subsequently, many members of the Select Committee participated actively in the lively floor debate on the several Posse Comitatus amendments offered for consideration by the House.

The compromise language ultimately worked out by the conference committee on the Defense Authorization Act is included in section 905 of Public Law 97-86. The limited military cooperation with civilian law enforcement agencies authorized by that section represents a significant step toward enhancing our nation's defenses against drug smugglers.

C. INTERNATIONAL ACTIVITIES

1. DRUG ABUSE IN THE MILITARY: STUDY MISSION TO ITALY AND THE FEDERAL REPUBLIC OF GERMANY

In late June and early July of 1981, Congressman Glenn English, Co-Chairman of the Task Force on Drugs in the Military, and Congressman Benjamin Gilman led a Select Committee study mission to Italy and the Federal Republic of Germany to investigate the nature and extent of substance abuse among U.S. troops stationed in those nations. The West German segment on the study mission was a follow-up of a similar mission undertaken by the Select Committee's Task Force on Drug Abuse in the Military in 1978, during which time a confidential questionnaire addressing personal drug use and personal evaluation of Army drug treatment programs was administered to 626 enlisted U.S. Army personnel. The 1978 questionnaire results indicated that drug use among U.S. enlisted personnel was widespread and that drugs were just as likely to be abused on duty as during off-duty hours. Since 1978 the Department of Defense and the U.S. Army have undertaken several steps in an effort to interdict and to reduce the incidence and prevalence of substance abuse among members of the U.S. Armed Forces stationed in Europe. During the 1981 study mission, the Task Force on Drugs in the Military re-administered the questionnaire in an attempt to ascertain the impact of the Department of Defense and U.S. Army prevention and control initiatives.

In addition to surveying members of U.S. Army units stationed in West Germany, the Select Committee also surveyed a small sample of U.S. Air Force personnel at Ramstein Air Base in West Germany. The Select Committee's Task Force visited U.S. Naval facilities in Naples, Italy, which included administering the survey aboard the USS Forrestal, the USS Ponce, and the USS Guadalcanal, as well as among various shore-based units in Naples.

The Select Committee surveyed a total of 1.906 personnel representing all of the Armed Services (Army, Air Force, Marines, Navy) at twenty-two sites and duty stations.

In addition to administering the Survey, Congressman English and Congressman Gilman met with the U.S. Ambassador to Italy; representatives of the U.S. Ambassador to the Federal Republic of Germany; representatives of the U.S. Drug Enforcement Administration in Bonn, Berlin, and Rome; the Ministries of Interior and Health of the Federal Republic of Germany. These meetings and briefings were for the purposes of receiving up-dated information on the general drug abuse situation in Western Europe as well as to discuss directions which the United States, Italy and West Germany could take to lessen the severity of the situation.

Congressman English and Congressman Gilman were also briefed by General F. J. Croesen, USA, Commander in Chief, U.S. Army in Europe, and by Rear Admiral Bodensteiner, USN, Commander-Fleet Air Mediterranean.

These briefings provided the Members and staff of the Select Committee's Task Force with an overview of the manner in which the

Department of Defense and the services are organizing their drug control and prevention efforts. This study mission was part of an ongoing investigation of drug abuse in the military conducted by the Select Committee. A summary of the Select Committee's hearing on this subject (conducted in Washington on September 17, 1981) is presented in Section I of this report. The final report of that hearing and of the study mission is currently in progress.

2. MISSION TO PERU

In 1979, Congress recognized that illicit narcotics cultivation is related to overall development problems by amending the Foreign Assistance Act of 1961 to add section 126 (the Gilman Amendment) to that Act. The amendment encourages the Agency for International Development (AID) to give priority consideration to programs that would help reduce illicit narcotics cultivation by providing poor farmers in developing nations with alternative economic opportunities (e.g. crop substitution, education programs, agricultural support services). The first major project to be funded pursuant to section 126 is the Upper Huallaga River Valley in Peru, an area located on the eastern slopes of the Andes between two mountain chains approximately 200 miles long and ten miles wide and the source for approximately 50 percent of Peru's entire illicit coca production (or about 25 percent of the world's illicit cultivation of coca). The Valley is also known for its production of rice, chocolate, coffee, corn, bananas, palm oil, soybeans, oranges and livestock.

The Upper Huallaga Area Development Project originally called for the expenditure of $167 million over five years, financed by AID, the State Department's Bureau of International Narcotics Matters (INM), the Government of Peru (GOP) and other donors in the following amounts:

Donor	Amount (in millions)	Average amount per year	Percentage of total project
AID	52.6	10.5	31.5
INM	17.5	3.5	10.5
GOP	42.0	8.4	25.0
Other donors	54.9	11.0	33.0
Total	167.0		100.0

Subsequent to AID's cutback of nearly $35 million in its commitment to the project, an agreement was signed on September 15, 1981, between AID and the Government of Peru calling for a five year, $26.5 million economic assistance program in which the United States would contribute $18 million ($15 million in the form of loans and $3 million in grants), and the GOP would contribute $8.5 million. Three agreements signed on August 30, 1981, between INM and GOP called for INM to provide Peruvian narcotics officials with $1,250,000 in assistance; the GOP is to finance $3,802,000 to control the illicit production of coca in the Upper Huallaga Valley.

According to the AID-GOP Project Agreement, the project consists of (1) carrying out adaptive research to determine the agronomic, economic and socio-cultural feasibility of agricultural technology packages, (2) expanding and upgrading existing extension services, (3) increasing the National Agrarian University of the Jungle training capacity for agricultural scientists, (4) providing short and medium term credit, (5) strengthening farm production activities, (6) improvement of road maintenance, and (7) provision of potable water and related sanitary facilities.

Given the critical importance of linking narcotics control efforts to economic development assistance and the application of the Gilman Amendment to the Upper Huallaga Valley, Chairman Zeferetti went to Peru on August 23–30, 1981, to see at first-hand the joint efforts between our governments in interdicting narcotics trafficking and eradicating the illicit production of coca leaves at their source. After receiving extensive briefings from our Ambassador to Peru, Edwin G. Corr, and the Embassy staff, the Chairman met with the following Peruvian officials:

Dr. Jose Maria de la Jara y Uerta, Minister of the Interior .

Dr. Enrique Elias Laroza, Minister of Justice.

Lt. General Eduardo Ipinze, Director Superior of the Peruvian Investigative Police (PIP).

Lt. General Humberto Catter Arrendondo, Director Superior of the Guardia Civil (GC).

General Baca, Director of PIP's narcotics division.

Dr. Gonzalo Ortiz de Zeyallos, Director of the Judicial System.

Dr. Luis Guillermo Thornberry, Director of the Office of Economic Development.

The Chairman also spent several days in Tingo Maria and Aucayacu, major illicit coca producing communities in the Upper Huallaga Valley, where he visited Commander Cano, head of the Guardia Civil's Mobil Rural Police Detachment (UMOPAR), a para-military organization specially created in 1980 to provide security and government control in the Upper Huallaga Valley and to restrict narcotics trafficking in that area.

UMOPAR, which consists of 75 well-trained and highly motivated officers and men headquartered at Tingo Maria, is to be expanded to an authorized strength of 314 men by the end of 1982. The Peruvian Investigative Police, a 10,000 person force responsible for the investigation of all felonies including narcotics, has established a Directorate of illicit Trafficking in Drugs (DINTID), consisting of approximately 270 persons. The Guardia Civil, a 28,000 uniformed police organization under the Ministry of the Interior, is responsible for maintaining public order and preventing crime.

While in Tingo Maria, Chairman Zeferetti also met with officials of the University of the Jungle, Peru's major agricultural university that provides training in agriculture, agronomy, animal husbandry, and natural resources, and visited the University's extension programs that teach farmers how to maximize their crop yields and improve the care of their livestock.

Throughout the Chairman's journey in the Upper Huallaga Valley, he travelled extensively along secondary, pot-holed, single-lane, poorly maintained roads and rural tertiary pathways observing the poor road network that requires extensive maintenance and visited coca producing areas and processing laboratories destroyed by UMOPAR. Road construction and maintenance in the rural jungle region is vital to the success of the Development Project to enable farmers to transport their produce and livestock to Peru's market centers. Under the original five-year AID program, $35 million of the $52.6 million was earmarked for road construction and maintenance. The recently concluded agreement with Peru calls for the expenditure by AID of $3 million (out of a total of $15 million over five years) for road maintenance.

Throughout his stay in the Upper Huallaga Valley, Chairman Zeferetti met with Peruvian drug law enforcement officials to learn their needs and how our government can best assist them in their efforts to interdict the drug traffickers, to eradicate the illicit production of cocoa leaves and to provide economic assistance to the farmers in that area.

Upon returning to Lima on August 30, 1981, the Chairman attended the signing ceremony of agreements between INM and the GOP for a joint coca control program amounting to $5,052,000 to underwrite equipment, training and personnel costs of UMOPAR, PIP, and the GC.

Discussions with drug law enforcement officials also stated that there is a growing concern between narcotics trafficking and terrorism. On September 1, 1981, the day after the signing of the coca control agreements and the Chairman's departure to the United States, the U.S. Embassy, the residence of Ambassador Corr, and four American businesses were bombed. The bombings were attributed by Peruvian authorities to drug traffickers. The Interior Minister, Jose Maria de la Jara, stated that the attacks were "a response to the help that the United States has given our country in its fight against illicit narcotics trafficking."

On October 20 and November 5, 1981, Ambassador Corr briefed Members of the Select Committee on the recently signed agreements to provide narcotics control and economic assistance to the Upper Huallaga Valley.

It became clear from the Chairman's mission to Peru that there is a need to carefully monitor AID and INM to assure that the Upper Huallaga Area Development Project is implemented in a coordinated and cooperative manner and that the objectives of section 126 of the Foreign Assistance Act are applied to the Development Project. A line item budget request for funds for the project should be included in AID's budget proposal for fiscal year 1983 and thereafter.

3. UNITED NATIONS FUND FOR DRUG ABUSE CONTROL

Congressman Gilman sponsored a meeting on November 1, 1981, with certain European representatives to encourage their nations, which have become victims of extensive drug trafficking and drug abuse and are low contributors to the United Nations Fund for Drug Abuse Control (UNFDAC), to initiate contributions or increase their contributions to UNFDAC. At the meeting, Dr. Bror Rexed, Executive Director of UNFDAC, reported on the work of the Drug Fund, his latest, fund-raising efforts, the urgent need for nations to support UNFDAC projects, and the need to provide financial assistance to the Fund. Dominick DeCarlo, Assistant Secretary of State for International Narcotics Matters, reported on the need for bilateral assistance in the drug producing areas and the recently concluded agreements between the United States and Peru that linked narcotics control efforts with economic development in the Upper Huallaga Valley. Bruce Caputo and George Christopher, United States representatives to the 36th Session of the General Assembly, discussed the need to create a public awareness of the relationship between crime and drugs.

4. UNITED NATIONS COMMISSION ON NARCOTIC DRUGS

Mr. Gilman presented a paper on the global dimensions of narcotics trafficking and drug abuse before the 29th Session of the United Nations Commission on Narcotic Drugs that was held in Vienna, Austria, February 2–11, 1981. In his paper, Mr. Gilman discussed the apathy toward combatting drug abuse, the urgency for a comprehensive, coordinated global drug strategy, the need for the UN to consolidate its diverse drug programs, policies, and organizations into a single, highly visible anti-narcotics commission or committee, and the low level of contributions to the United Nations Fund for Drug Abuse Control (UNFDAC).

During the 29th Session, the Commission completed its work on an international drug control strategy and a five-year program of action that was transmitted to the UN General Assembly for deliberation at its 36th Session beginning in September, 1981.

5. UNITED NATIONS GLOBAL DRUG STRATEGY

As United States Representative to the 36th Session of the United Nations General Assembly, Mr. Gilman was the principal drafter of the United States-initiated resolution pertaining to international drug control strategy. The resolution, which was adopted by the General Assembly on December 16, 1981, and co-sponsored by Australia, Bolivia, India, Malaysia, Mali. Morocco, Pakistan, Sweden, and Turkey, adopted the international drug control strategy and basic five-year program of action finalized by the UN Commission on Narcotic Drugs (CND) at its meeting in February, 1981. The resolution also requested the CND to establish a task force to review, monitor and coordinate the implementation of the international drug control strategy and basic five-year program of action, to report annually to the Commission on the progress made in implementing the strategy and program, and to recommend revisions to the strategy and program that it deems necessary. The resolution also urges that the strategy and program be given the highest priority by all Governments, be implemented and supported by all States, international organizations and private institutions and urges member States to initiate or increase contributions to the United Nations Fund for Drug Abuse Control.

In general, the strategy calls for greater attention to the issues of drug abuse within the UN agencies and elsewhere. Specifically, it recommends an increase in programs aimed at drug abuse control in the specialized UN agencies including the World Health Organization (WHO), the International Labor Organization (ILO), the Food and Agricultural Organization (FAO), and the UN Educational, Scientific and Cultural Organization (UNESCO), as well as in the UN Development Program (UNDP) and the other development-oriented programs. The strategy further recommends that the increased attention to UN drug-related activities should be part of regular agency programs and budgets because of the large impact drug abuse has on many specific areas of social concern.

6. MEXICO-UNITED STATES INTER-PARLIAMENTARY CONFERENCE

Mr. Gilman attended the 21st annual Mexico-United States Interparliamentary Conference which was held in Manzanillo, Mexico, on June 11–15, 1981, where he presented a paper and led the panel discussion on bilateral efforts between the two nations to cooperate in the fight against the production, traffic, and consumption of drugs. In his remarks, Mr. Gilman stressed the urgent need to develop a comprehensive, coordinated regional drug strategy designed (1) to interdict drug trafficking, (2) to eradicate the illicit production of drugs at their sources, (3) to educate our citizens regarding the dangers of drug abuse, and (4) to treat and rehabilitate those individuals who are dependent upon drugs.

7. AID TO PAKISTAN

From October, 1981, to December, 1981, the Select Committee undertook an extensive effort to attain modifications in a foreign assistance package to Pakistan that had been negotiated by the Department of State. Because Pakistan is one of the world's largest producers of opium, the Select Committee strongly suggested that the exclusion from the aid package of an income-substitution or crop substitution program for Pakistani opium growing farmers would not only encourage the expansion of already large stockpiles of opium in Pakistan but would also indicate to the international community that the United States was not willing to act forcefully in the area of international narcotics control. Members of the Select Committee and staff met on several occasions with members of the Department of State and the Agency for International Development to seek modifications in the aid package. Hearings held by the House Committee on Foreign Affairs in this matter were also attended by Members of the Select Committee and staff. Solid assurances were obtained by the Select Committee that a substantial income substitution program for Pakistan that would make an impact on the opium trade would be presented to the Congress for discussion next year.

D. Activities With Organized Religion

1. CONTINUED INITIATIVES

The Select Committee continued its drug abuse prevention initiatives with various religious communities throughout 1981. Among the highlights of this activity was, for example, the Select Committee's work with the Archdiocese of New York and its "A Call to Action on Youth Drug/Alcohol Abuse" project. This program addresses the problem of alcohol and drug abuse among our youth openly and straightforwardly and presents a positive prevention program throughout the church. Significantly, the objective of the program is to reach beyond the church and directly into the community and to work along with other faiths in a broad based effort. In fact, Cardinal Cooke's Advisory Commission called for the creation of an ecumenical advisory group on drug and alcohol abuse representing major elements of business, law, medicine, education and religious life in New York. The Select Committee views the Call to Action program as an excellent model of a community-based prevention effort. For the benefit of the Members of the House, Chairman Zeferetti inserted the Call to Action Report in the Congressional Record on May 5, 1981.

The Committee views its work with the Archdiocese of New York as highly successful and has opened similar dialogues with other religious communities and groups.

2. DIALOGUE WITH THE ARCHDIOCESE OF WASHINGTON

Select Committee staff is assisting the Archdiocese of Washington to develop a drug program to include all parishes, schools, hospitals, institutions, and the laity. The Committee encourages community involvement which draws upon all available resources.

3. VISIT TO CASTELGANDOLFO

During the Select Committee's Study Mission to Italy and West Germany to investigate drug abuse among members of U.S. military forces stationed in those nations, a visit was paid by Congressman Glenn English, Congressman Benjamin Gilman and staff to the summer residence of His Holiness, Pope John Paul II.

Castelgandolfo is the location of a unique initiative undertaken by the Church. At this summer retreat, several buildings have been donated by His Holiness, John Paul II, to a therapeutic community dedicated to the treatment and rehabilitation of drug abusers. The program is modeled after and administered by the Therapeutic Communities of America. The Select Committee on Narcotics Abuse and Control has a long-standing relationship with the Vatican, having been privileged to be granted audiences with both Pope Paul VI and Pope John Paul II.

During the visit by Congressman English and Congressman Gilman, the continuing supportive relationship was reaffirmed. The Congressional Members met with staff and residents of the Castelgandolfo therapeutic community and heard first-hand of the progress being made in the Italian nation's struggle against drug abuse, the Vatican's continuing strong support for the prevention and control of substance abuse, and the increasingly severe levels of drug availability and drug abuse within the Italian population.

E. OTHER SELECT COMMITTEE ACTIVITIES

1. AGENCY BRIEFINGS

Drug Enforcement Administration—April 30, 1981.
United States Customs Service—May 6, 1981.
Bureau of International Narcotics Matters, Department of State—May 7, 1981.
National Institute on Drug Abuse—May 13, 1981.
United States Coast Guard—May 20, 1981.

The Committee held a series of informal briefing sessions with principals from the key Federal agencies responsible for drug abuse prevention and drug trafficking control. The purposes of these briefings were to provide new Committee members and staff an overview of drug agency missions and programs; to review the status of the new Administration's plans for drug abuse policy; to assess the resource needs of the various agencies and the likely impact of President Reagan's budget proposals on their drug abuse activities and to solicit agency perspectives on major drug abuse issues requiring congressional attention.

2. NEW YORK STATE HEROIN AND ALCOHOL ABUSE STUDY—HEROIN PUBLIC HEARING

On April 13, 1981, Chairman Zeferetti appeared before a hearing in New York held by Mr. Joseph A. Califano, Jr., Special Counsellor to the Governor on Alcoholism and Drug Abuse, State of New York, as part of a state-wide survey on drug abuse being conducted by Mr. Califano's law firm for Governor Carey. The Chairman noted the efforts of the Select Committee to support Federal, state, and local agencies involved in drug abuse and control. The Committee assisted in the survey which may well serve as a model for other states in addressing the problem, especially in view of the cuts in Federal funds.

3. BRIEFING WITH NEW YORK STATE DIVISION OF SUBSTANCE ABUSE SERVICES

On April 8, 1981, the New York State members of the Committee attended a briefing in Washington by the New York Division of Substance Abuse Services. The briefing was presented by Mr. Julio Martinez, Commissioner of Substance Abuse Services and Mr. John S. Gustafson, a member of his staff. The briefing presented the probable impacts of the Administration's "block grant" proposal to disburse funds to the states for all health related services, including drug abuse.

Commissioner Martinez and Mr. Gustafson explained that with the increasing influx of high quality Southwest Asian heroin and with facing an abundant supply of Southeast Asian heroin in 1981 the New York State treatment and rehabilitation facilities were experiencing rapidly growing demand for services by addict populations. Both claimed that the proposed block grants would threaten the viability of a national drug abuse strategy and the very existence of entire substance abuse programs.

Chairman Zeferetti reassured those present that the Select Committee would continue to closely monitor and critically evaluate the proposed budget readjustments and the impact of the block grants on substance abuse treatment, rehabilitation and prevention services. He stated that State officials concerned with substance abuse programming must educate their local legislators as to the critical necessity for such services. Chairman Zeferetti welcomed the appearance at the meeting of representatives of the New York business community by noting that the private sector had a necessary and important role in the fight against drug abuse.

4. NEW YORK CITY PARTNERSHIP NARCOTICS LAW ENFORCEMENT BREAKFAST

On November 5, 1981, Chairman Leo C. Zeferetti addressed a Breakfast meeting on narcotics law enforcement sponsored by the New York City Partnership's Task Force for Public Safety, an association of more than 100 New York business and civic leaders dedicated to improving economic and social conditions in the city. While welcoming the group's support for strengthening narcotics law enforcement, the Chairman expressed concern over the Administration's budget cuts. Chairman Zeferetti, who was asked to present an overview of Congressional initiatives against crime, impressed upon the group the need for them to convince the Administration that law enforcement, particularly narcotics control, requires consideration and priority. The Chairman extended the Committee's cooperation to work with the Partnership by urging them to use their influence with the Administration to restore funds for narcotics law enforcement.

5. DRUG ABUSE AWARENESS WORKSHOP—BROOKLYN, NEW YORK

On November 30, 1981, Chairman Zeferetti held a drug abuse prevention and early intervention Town Hall Meeting in Brooklyn, New York, for the Fifteenth Congressional District. The objective of the meeting, which was attended by over 100 people, was to develop a community-based strategy to combat substance abuse. A panel of religious, parent, educational, social work and civic leaders with backgrounds in drug abuse prevention addressed the gathering on the workings of their groups and how they could work with the community in an organized effort to put forward an effective prevention campaign. After the panelists finished their remarks, Chairman Zeferetti opened the meeting to an open dialogue between the panel and the public that attended. A constructive discussion occurred that centered on the development of a community-based strategy.

Chairman Zeferetti emphasized to the gathering that effective prevention efforts required concerted action by all segments of the community. After the session ended, over 50 of those in attendance expressed an interest in cooperating with the Committee in an ongoing community-based effort.

The Committee's support for this meeting included resource materials, planning the composition of the panel and staff support.

6. DRUG ABUSE WORKSHOP AND ADVISORY COMMITTEE

In an effort to help formulate concerted community action to prevent and control drug abuse, Congressman Gilman initiated a Drug Abuse Workshop that brought together leaders of New York's 26th Congressional District who represent parents, teachers, students, school administrators, law enforcement officers, treatment specialists, and business and labor officials. The Workshop, consisting of seven panels, focused on drug abuse prevention, public awareness of the drug problem, citizen participation, and short-range community projects and developed a set of recommendations to help prevent and control drug abuse at the local level. A complete list of the Workshop's recommendations is printed in the Congressional Record (July 28, 1981) on pages E3761–3762 under the title, "The Drug Abuse Workshop for New York's 26th Congressional District."

Following the Workshop's deliberations, a Congressional Advisory Committee on Drug Trafficking and Substance Abuse was established to implement some of the Workshop's recommendations. On November 14, 1981, the Drug Advisory Committee met and established two task forces to develop information pertaining to establishing community-wide drug education courses and workshops in the schools and for establishing a drug resource data bank and information center.

7. ANTI-DRUG CAMPAIGN BY REPUBLIC DRUG COMPANY

The Republic Drug Company, an Albany, New York, pharmaceutical company which sells its products nationally, undertook a major anti-drug campaign, printing at its own cost of a million dollars thousands of anti-drug posters for free distribution. The posters are in English and Spanish for distribution to Spanish speaking areas of the United States and countries in the Caribbean.

Mr. Sol H. Stone and Mr. Frank Trejos, the president and vice-president, respectively, of Republic, announced their program at a press conference in New York City on November 20, at which the Select Committee's Chief Counsel spoke on behalf of the Chairman in strong support of this effort by the private sector. Through the Select Committee, the program by Republic was linked to an anti-drug campaign by the New York State Office of Drug Abuse, and posters distributed in New York State will carry the newly established state-wide hotline numbers on posters distributed in other states.

Republic is a small, over-the-counter drug supplier and is to be highly commended. The Select Committee encourages other pharmaceutical companies to undertake similar programs.

8. DELEGATION OF HIGH SCHOOL STUDENTS FROM PALO ALTO, CALIFORNIA

A group of students from Gunn High School in Palo Alto, Californit, visited the Capitol in early 1981 as guests of Congressmen Edwards, Minetta and McCloskey and sponsored by Parents Who Care, a parents organization stressing positive alternatives to drug abuse. The students related how they turned peer pressure around to combat and overcome their drug abuse problem. The students spoke to Chairman Zeferetti and Select Committee members, Benjamin Gilman and Billy Lee Evans.

Most of the students had been involved in drugs through peer pressure. However, once they took a firm anti-drug stand they were able to turn the peer pressure around and away from drugs. The students confirmed that most students are reluctantly drawn into drugs to be accepted by their peers.

The Chairman and the other members highly commended the students for their candor in openly discussing their personal situations and how they are persuading others away from drugs.

9. SELECT COMMITTEE'S DIALOGUE WITH THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

In an effort to maintain an informed perspective regarding the magnitude of the drug abuse problem in the Washington, D.C. metropolitan area the Select Committee initiated and has maintained a continuing dialogue with law enforcement officials in this area. Through the good offices of the Narcotic Officers Subcommittee of the Metropolitan Washington Council of Governments, the Select Committee has been given an opportunity to discuss the drug abuse problem in the area and to learn of the enforcement issues and problems unique to this multi-jurisdictional setting.

In October, 1981, Chairman Zeferetti and Congressman Coughlin of the Select Committee were represented by staff at a meeting of the Narcotic Officers Subcommittee which the Select Committee applauds and supports the spirit of cooperation operative in the Washington metropolitan area law enforcement community; and reviewed the steps taken by the Select Committee to alert the Congress and the general public to the necessity of maintaining a constant and aggressive effort in the fight against drug abuse.

III. APPENDIX

PUBLICATIONS FOR 1981

Community Action to Combat Drug Abuse (SCNAC–97–1–1).

Sentencing Practices and Alternatives in Narcotics Cases (SCNAC–97–1–2).

Impact of Federal Budget Cuts on Local Narcotics Law Enforcement (SCNAC–97–1–3).

Bail Reform and Narcotics Cases (SCNAC–97–1–4).

Drug Abuse in the Military—1981 (SCNAC–97–1–5).

Community Efforts in Drug Abuse Prevention and Early Intervention (SCNAC–97–1–6).

Financial Investigation of Drug Trafficking (SCNAC–97–1–7).

Look-Alike Drugs (SCNAC–97–1–8).

ANNUAL REPORT
PART II
RECOMMENDATIONS FOR A COMPREHENSIVE PROGRAM TO CONTROL THE WORLDWIDE PROBLEM OF DRUG ABUSE
SELECT COMMITTEE ON
NARCOTICS ABUSE AND CONTROL
NINETY-SEVENTH CONGRESS
FIRST SESSION

LETTER OF SUBMITTAL

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL,
Washington, D.C., March 2, 1982.

Hon. EDMUND L. HENSHAW, Jr.,
Clerk, U.S. House of Representatives,
Washington, D.C.

DEAR MR. HENSHAW: Pursuant to House Resolution 13, the Committee submits the enclosed report entitled, "Annual Report, Part II, Recommendations for a Comprehensive Program to Control the Worldwide Problem of Drug Abuse, Select Committee on Narcotics Abuse and Control, 97th Congress, First Session." Part I of the Committee's annual report, describing the Committee's activities for 1981, was submitted to you on December 29, 1981. It is requested that both parts of the Committee's annual report for 1981 be printed in one volume.

Respectfully submitted.

Sincerely,

LEO C. ZEFERETTI,
Chairman.

Enclosure.

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I. INTRODUCTION

The Select Committee on Narcotics Abuse and Control has been charged by the House to develop recommendations for a comprehensive program to control the worldwide problem of drug abuse. We have approached this task with a deep concern that the Federal effort to counter and control drug problems has not been effective.

Drug abuse and drug trafficking are among the most persistent social problems confronting the United States today. The drug trafficking industry is a multi-billion-dollar-a-year business. This untaxed, underground economy spawns crime, violence and corruption, threatens legitimate businesses and creates a serious drain on our national economy. Drug use in the United States increased at unprecedented rates in the past two decades, and the use of drugs by our young people is thought to be the highest of any country in the western world.

The Drug Abuse Office and Treatment Act of 1972 recognized drug abuse as a serious national problem and declared that it is the policy of the United States to concentrate the resources of the Federal Government on drug abuse and to develop and assure the implementation of a comprehensive, coordinated, long-term Federal strategy to combat drug abuse. Subsequent amendments to that Act have reaffirmed the need for ongoing, highly visible Federal leadership in the fight against drugs.

Despite the longstanding policy established by law, we as a nation have failed to develop an effective drug strategy. A key factor has been the lack of commitment by prior Administrations to elevate the priority accorded to drug abuse problems. Admittedly, drug abuse and drug trafficking are problems the Federal Government cannot solve alone. Nevertheless, without strong Executive Branch leadership, supported by the Congress, we cannot expect foreign nations, state and local governments and the private sector to devote more of their resources to drug abuse prevention and control. Accordingly, our first series of recommendations addresses this Administration's response to drug abuse problems.

An effective drug strategy must recognize that drug trafficking and drug abuse are interrelated. Focusing on one aspect of this complex relationship at the expense of others will have little impact. Consequently, an effective drug strategy must integrate efforts to reduce the supply of drugs through international narcotics control measures and domestic law enforcement with efforts to reduce the demand for drugs through prevention, education, treatment, rehabilitation and research. In addition, the strategy must be flexible to respond quickly to drug abuse trends and drug trafficking threats that can shift suddenly and dramatically. Subsequent sections of the report address these areas.

Anyone who has wrestled with the complex issues of drug trafficking and drug abuse knows that there are no easy answers to these problems. Accordingly, our recommendations do not represent ultimate solutions; rather, they are intended to highlight the issues and to propose a course of action. The challenge that lies ahead for all of us is to generate and sustain the commitment needed to eliminate drug abuse.

II. SUMMARY OF RECOMMENDATIONS

The Reagan Administration's Response to Drug Abuse

The Committee urges the President to establish drug abuse prevention and control as a top priority of his Administration. To demonstrate this commitment forcefully, we recommend that the President take the following specific actions as soon as possible.

1. The President should declare war on drugs in a special drug abuse message to the Congress and the public that clearly outlines his policies and programs and the commitment of resources to combat drug abuse and drug trafficking.
2. The President should establish a system, as required by law, to develop recommendations for drug policy and coordinate the performance of Federal drug abuse functions.
3. The President should designate his single drug representative, as required by law, to direct the formation, coordination and implementation of Federal drug policy.
4. The President should expedite the Administration's review of the strategy council concept, and if it is found to be satisfactory, establish the council immediately. If he determines that the current statutory requirement for a strategy council needs revision, the President should submit his recommendations for changes to the Congress as soon as possible.
5. The President should prepare and promulgate a Federal drug strategy as required by law that clearly spells out Federal priorities, sets forth the resources needed to perform these responsibilities and allocates Federal resources to accomplish those priorities most effectively. In addition, the strategy should include a plan for mobilizing non-Federal resources that can be brought to bear on drug abuse problems.

International Narcotics Control

1. Drug-related issues must be given top priority consideration within the State Department. Controlling the illicit production and distribution of narcotics should be a top priority objective in the conduct of U.S. foreign policy. Additional resources should be allocated to the Bureau of International Narcotics Matters (INM) whose meager budget cannot meet its global responsibilities.
2. The Secretary of State should direct a review of all U.S. economic assistance programs to determine if such assistance can be applied and appropriately coordinated to meet narcotics control objectives.
3. To control the overseas production of illicit narcotics in traditional growing areas, the Committee recommends that INM's budget be expanded to include the resources and expertise needed to support sustained income replacement programs or that a portion of the rural development resources of the Agency for International Development (AID) be transferred to INM. As a further alternative, a portion of

AID's budget could be earmarked for development projects that will provide economic alternatives to illicit narcotics production with such projects to be developed and implemented in conjunction with INM and under INM direction.

4. Congress must closely monitor the utilization of AID and INM resources in the Upper Huallaga Valley Regional Development Project in Peru. The success of this joint project is critical to control the illicit growth of coca and to monitor the development of alternative sources of income for the farmers in this region.

5. Now that Section 481(d) of the Foreign Assistance Act of 1961 (the paraquat amendment) has been repealed, the United States should move quickly to initiate a marihuana eradication program with Colombia, the source of approximately 75 percent of the marihuana available on the U.S. market.

6. To impress upon foreign source countries our own commitment to marihuana eradication, the Federal Government, in cooperation with the states, should immediately undertake a major program to eradicate domestically cultivated marihuana.

7. The United States should use all available international forums to emphasize the worldwide nature of drug abuse and drug trafficking. Toward this end, the United States should:

  a. Continue support for the United Nations Fund for Drug Abuse Control;

  b. Encourage other nations and multilateral bodies such as the international financial institutions (IFI's) that provide development assistance to narcotics growing countries to incorporate narcotics control objectives in their aid packages;

  c. Firmly oppose, as current law requires, any multilateral development bank aid to narcotics producing, processing or transshopping countries that fail to take adequate steps to control exports of illicit drugs to the United States;

  d. Firmly support United Nations Resolution 36/168, approved December 16, 1981, adopting the international drug abuse control strategy and requesting the U.S. Commission on Narcotic Drugs to establish a task force to review, monitor, and coordinate the implementation of the international drug control strategy program of action; and,

  e. Encourage the regional communities of the world, such as the European Community, Latin America, and the Association of Southeast Asian Nations (ASEAN), to formulate and implement comprehensive, coordinated, regional strategies to prevent and control drug abuse.

8. The State Department should continue to use "poppy clauses" or other appropriate provisions in bilateral aid agreements with narcotics producing countries. State also should urge other governments and the IFI's to include similar provisions in their agreements to provide development assistance to source countries.

9. The United States Government should seek to conclude new mutual legal assistance and extradition treaties with the governments of source countries and countries that serve as offshore bank havens for drug traffickers.

10. The State Department, in conjunction with NIDA, should support bilateral and multilateral efforts to control the demand for drugs in source countries.

11. Recognizing that source country eradication and crop/income substitution programs are politically infeasible in narcotics producing countries where there is no official U.S. presence, such as Iran and Afghanistan, the United States should strengthen its efforts to interdict drug trafficking in processing and transshipping countries.

DRUG LAW ENFORCEMENT

FEDERAL ROLE IN DRUG LAW ENFORCEMENT

1. Federal drug law enforcement efforts and resources should be coordinated to identify and disrupt major narcotics trafficking organizations with particular emphasis on destroying the financial base of these networks.

2. Federal cooperation with state and local drug law enforcement agencies should be continued and strengthened.

   a. Federal efforts should continue to assist state and local drug law enforcement agencies in immobilizing middle and lower level drug traffickers. Specifically, the Committee endorses continuation of the DEA task force program which has improved coordination of state and local drug enforcement resources and investigations.

   b. The Federal Government should continue to assist state and local drug control agencies through the provision of technical assistance, the sharing of intelligence and information, and the training of personnel.

FEDERAL ENFORCEMENT COORDINATION

The Administration should immediately review the mission and resources of all agencies involved in drug law enforcement and establish clear guidelines delineating agency priorities and establishing mechanisms for interagency cooperation.

DEA–FBI REORGANIZATION

The independence and integrity of DEA as our lead drug enforcement agency should be preserved.

MILITARY COOPERATION WITH DRUG LAW ENFORCEMENT OFFICIALS

1. The Department of Defense should implement vigorously the provisions of section 905 of the Department of Defense Authorization Act of 1982, P.L. 97–86, authorizing military cooperation with civilian law enforcement officials.

2. The President should emphasize the priority he attaches to effective implementation of section 905 by issuing a clear directive to the Department of Defense and each of the military services instructing that military support for drug enforcement efforts be given the maximum commitment possible consistent with the law.

3. Congress and the Executive Branch should monitor closely the implementation of section 905 to assess the effectiveness of assistance rendered by the military and to identify any problem areas that may require remedial attention.

SENTENCING REFORM

1. Existing prison sentences and fines should be increased for narcotic and drug offenses. The imposition of mandatory minimum sentences for large scale narcotics trafficking should be enacted.

2. Increasing penalties for narcotics offenses should not be delayed pending the enactment of comprehensive criminal code reform legislation.

3. The Committee urges increased use of the Continuing Criminal Enterprise (CCE, 18 U.S.C. 848) and the Racketeer Influenced and Corrupt Organizations (RICO, 18 U.S.C. 1961) statutes against major trafficking organizations.

BAIL REFORM

1. The Bail Reform Act of 1966 should be amended so that in setting conditions of pre-trial release a judicial officer may consider the danger a defendant presents to the community or to another individual.

2. Congress should consider whether it is appropriate to enact legislation denying bail to defendants for whom no conditions of release will assure reappearance for trial or the safety of the community, or both.

3. Serious consideration should be given to elimination of money bail in the Federal system.

4. Courts should be given specific statutory authority to inquire into the source of bail collateral posted by major narcotics offenders. If these assets appear to be proceeds of narcotics trafficking they should not be accepted by the court.

5. The Justice Department and the Administrative Office of the United States Courts should work together to develop a uniform, comprehensive and current data base on bail in Federal criminal cases and violations of bail, including bail jumping and commission of additional crimes while on release pending trial, sentencing or appeal.

ATTACKING THE FINANCIAL BASE OF THE DRUG TRADE

Forfeiture

1. Federal law enforcement agencies must give top priority to intense, coordinated financial investigations of major narcotics traffickers and organizations, with the objective of identifying and destroying their financial base.

2. The RICO statute should be amended to provde specific authority for the forfeiture of all profits and proceeds of a narcotics enterprise regardless of their conversion to other assets or whether obtained directly or indirectly as a result of trafficking.

3. The CCE statute should be amended to provide specific authority for the forfeiture of all proceeds of narcotics trafficking.

4. Both RICO and CCE should be amended to permit the forfeiture of any assets a trafficker has in his possession, that would not otherwise be subject to forfeiture, to the extent that illicit assets otherwise subject to forfeiture are unreachable.

Financial investigations

1. The Bank Secrecy Act should be amended to make it a criminal offense to "attempt" to leave the country with money in excess of $5,000 without first filing the reports required under the Act.

2. Border searches for monetary instruments should be permitted whenever a Customs officer has reasonable cause to suspect that monetary instruments are being transported in or out of the country in violation of the reporting requirements of the Bank Secrecy Act.

3. Currency violations under Title 31 should be added to the category of criminal acts which are defined as "racketeering activities" under the RICO Act in title 18.

4. The Bank Secrecy Act regulations should be amended to designate third party money orders as financial instruments subject to the Act's reporting requirements.

5. The committees of jurisdiction of the House should review provisions of the Tax Reform Act of 1976 and the Right to Financial Privacy Act which restrict the conduct of financial investigations to determine what corrective measures may be needed.

Reducing the Demand for Drugs

FEDERAL RESPONSIBILITIES

1. Congress, the Department of Health and Human Services, and NIDA should monitor closely the Alcohol, Drug Abuse and Mental Health (ADM) block grant program to assure that it is being implemented in accordance with applicable law and that states are meeting critical substance abuse needs within their jurisdictions. Special attention should be focused on the impact, if any, that cuts in Federal support have on the availability of prevention, treatment and rehabilitation services for addicts and other affected populations.

2. NIDA should provide technical assistance as needed to states, localities, and other entities providing drug abuse services to smooth the transition to the new block grant approach and to meet other needs for administrative and clinical support. NIDA's technical assistance efforts should be aimed at accomplishing two primary goals:

   a. Providing expertise on novel or esoteric problems; and

   b. "Leveraging" Federal support by building technical assistance capability within states so that states can assume an even greater responsibility for meeting the technical assistance needs of programs within their jurisdiction.

3. NIDA must continue to collect, analyze and disseminate national epidemiologic data on drug abuse.

4. Federal support for drug abuse research (both basic and applied) and knowledge dissemination must be continued and strengthened.

5. The Federal Government, through NIDA, should play an active role in the demonstration of new and more effective drug prevention, treatment and rehabilitation approaches. The Committee recommends that Congress extend NIDA's current demonstration authority and

appropriate sufficient funds for NIDA to perform this function effectively.

INVOLVING THE PRIVATE SECTOR IN DRUG ABUSE PREVENTION

The Federal Government must mobilize the resources of the private sector to support a continuing, comprehensive prevention effort.

Drug Abuse in the Military

1. Procedures should be established to assure that the advisory recommendations of civilian and military drug counselors are given sufficient consideration within the chain of command.
2. The services must conduct their own research to identify factors that lead to drug abuse in the military, to determine the impact of drug abuse on military discipline and readiness, and to develop the most effective approaches to prevent and treat drug abuse within the military environment.
3. The existing regulations which allow service members with drug problems to be discharged under honorable conditions have been abused and misapplied and should be revised or rescinded.
4. All levels of military education and training must include a drug abuse curriculum that explains the effects and harmfulness of drugs, describes available treatment, and gives a clear understanding of disciplinary consequences of drug use.
5. Detection of drug abuse must be strengthened and applied without regard to rank. Detection must be made a part of all screening procedures for recruitment.

III. THE REAGAN ADMINISTRATION'S RESPONSE TO DRUG ABUSE

In his September 1981 address on crime in New Orleans, the President announced a number of proposals to fight crime including drug trafficking. Outlining the major points in the Administration's narcotics enforcement strategy, the President said, ". . . one of the single most important steps that can lead to a significant reduction in crime is an effective attack on drug trafficking." He also announced his Administration's strong support for a national drug education program drawing on the resources of religious, educational, fraternal and parents groups. Citing the effectiveness of parents organizations the President said, "This Administration will do all in its power to encourage such efforts."

Although the President and Administration officials have often used strong commitment to make these issues high national budget pri- the first year of the Reagan Administration did not reflect an equally strong commitment to make these issues high national budget priorities. In his March 1981 budget package, for fiscal year 1982, the President proposed cuts in the key Federal agencies with drug abuse responsibilities. One of the most far-reaching changes would have created a new health services block grant, consolidating drug treatment and prevention programs funded by NIDA with 13 other health services programs and cutting total Federal support for these programs by approximately 25 percent. In the Omnibus Budget Reconciliation Act of 1981, Congress authorized a smaller Alcohol, Drug Abuse and Mental Health (ADM) block grant which preserves a greater measure of priority for drug abuse concerns. Federal funds for this category of programs, however, were reduced by almost 25 percent. While states will have increased flexibility to manage programs according to their own determinations of need, it remains to be seen what impact the block grant approach will have on the national treatment network established by NIDA during the last decade.

In September 1981, the President proposed additional fiscal year 1982 budget cuts for virtually all Federal agencies except Defense. At about the same time he was calling for enhanced Federal efforts to combat serious crime including drug trafficking, the President asked Congress to cut funds for the Drug Enforcement Administration (DEA) by an additional 12 percent, to reduce Coast Guard funds by a like amount, and to approve somewhat smaller cuts for other Federal drug enforcement agencies. These cuts, if enacted, would have seriously impaired Federal efforts to interdict drug trafficking, enforce drug laws and continue cooperation with state and local drug agencies. Congress did not accept most of these cuts, however, and included higher amounts in appropriations measures passed prior to last December's recess. Even though Congress added more than $100 million to the Administration's September request for Coast Guard operating expenses, the Coast Guard recently announced that it still must eliminate or reduce operations in a number of areas that will affect drug law enforcement. Legislation to appropriate supplemental funds for the Coast Guard (H.R. 5348) was introduced in the House on January 26, 1982. The President's budget for fiscal year 1983 includes a smaller supplemental request for Coast Guard operating expenses in fiscal year 1982.

In February 1982, the President submitted his fiscal year 1983 budget to Congress. The 1983 budget proposes increases for most drug law enforcement agencies over levels appropriated for 1982. These increases, however, do not provide for any significant growth in the resources to control drug trafficking but will merely permit most drug law enforcement operations to continue at or near current levels. The same holds true with respect to international narcotics control activities funded by the Bureau of International Narcotics Matters (INM) in the State Department. In the area of demand reduction, the $1 million increase proposed for the Alcohol, Drug Abuse and Mental Health block grant and the $2.5 million increase for the National Institute on Drug Abuse are well below the Administration's predicted rate of inflation.

To assure that drug policy formation and coordination are performed at the highest level of the Executive Branch, the Drug Abuse Prevention, Treatment and Rehabilitation Act (P.L. 92-255, as amended, 21 U.S.C. 1101 et seq.) vests the President with responsibility for these functions. Under that Act, the President is required:

—to establish a system to develop recommendations for, and coordinate the performance of, Federal drug abuse functions (sec. 201, 21 U.S.C. 1111);

—to designate a single officer or employee of the United States as his drug representative to direct the drug activities assigned to the President (sec. 202, 21 U.S.C. 1112);

—to direct the development of a comprehensive coordinated, long-term Federal drug strategy which shall be "reviewed, revised as necessary and promulgated as revised prior to June 1 of each year" (sections 301 and 305, 21 U.S.C. 1161 and 1165); and

—to establish a strategy council comprised of cabinet-level officers and non-Federal representatives to develop the Federal strategy (sec. 302, 21 U.S.C. 1162).

After one year in office, the Administration has not met these requirements. Although the President has appointed a Senior Policy Adviser for Drug Policy, he has not yet designated his single drug representative pursuant to section 202 of the Drug Abuse Prevention, Treatment and Rehabilitation Act. The Administration is still considering the structure or structures it will devise to coordinate overall drug policy development and implementation pursuant to section 201. The President also has not established a strategy council as required by section 302. At the Committee's hearing on drug strategy, Dr. Carlton Turner, the President's Senior Policy Adviser for Drug Policy, expressed concern about the inactivity of the strategy council in the past, and indicated that the Administration would be reviewing the effectiveness of the strategy council concept.

Finally, no drug strategy has been promulgated pursuant to sections 301 and 305 since 1979. This Administration certainly cannot be faulted for the past Administration's failure to issue a timely strategy document. The Select Committee also appreciates the time required to develop a well-planned drug strategy. However, the Administration's continuing delay to establish a sound structure for drug policy formulation delays the development and implementation of an effective drug strategy.

In recent weeks, the Administration has taken a number of steps that are intended to enhance drug law enforcement by reallocating existing resources. Within the Justice Department, the Federal Bureau of Investigation has been given concurrent jurisdiction with the Drug Enforcement Administration to investigate Federal drug offenses. The President also created a special Federal task force on crime in southern Florida, headed by Vice President George Bush, to help reduce the rampant crime problem in that area caused in large part by illegal drug smuggling. On February 16, the Vice President announced a number of steps that are being taken to provide increased Federal assistance to south Florida including the assignment of 130 more Customs investigators, 43 new FBI agents and 20 additional DEA agents to the area. A Financial Law Enforcement Center also has been established at the Treasury Department to concentrate on drug-related financial investigations.

The Select Committee welcomes the Administration's increased attention to the problems of drug law enforcement. We intend to monitor these initiatives closely, however, to determine whether the reallocation of resources to south Florida, for example, will create new opportunities in other parts of the country for traffickers to exploit.

The First Lady has also begun a highly visible campaign to encourage drug abuse prevention efforts, particularly by parents and other private sector groups. Her recent trips to drug programs in Florida and Texas were widely publicized and drew much needed national attention to the problems of drug abuse, especially among young people. The Select Committee warmly endorses Mrs. Reagan's commitment to drug abuse prevention. Her dedication to this issue will aid immeasurably in raising public awareness of drug abuse problems and encouraging parent and community-based responses to these problems.

Implementation of an effective drug strategy requires strong executive leadership. Congress can pass laws and declare policy goals, but the full cooperation of the Executive Branch is needed to assure such acts are carried out. This executive leadership must come from the highest level of the government, from the President personally, and must be clear and unequivocal.

Accordingly, we urge the President to establish drug abuse prevention and control as a top priority of his Administration. To demonstrate this commitment forcefully, we recommend that the President take the following specific actions as soon as possible.

1. The President should declare war on drugs in a special drug abuse message to the Congress and the public that clearly outlines his policies and programs and the commitment of resources to combat drug abuse and drug trafficking.

2. The President should establish a system, as required by law, to develop recommendations for drug policy and coordinate the performance of Federal drug abuse functions.

3. The President should designate his single drug representative to carry out the drug responsibilities assigned to the President by law.

4. The President should expedite the Administration's review of the strategy council concept and if found to be satisfactory, establish the council immediately. If he determines that the current statutory requirement for a strategy council needs revision, the President should submit his recommendations for changes to the Congress as soon as possible.

We are well aware that the strategy council has not always functioned as envisioned. Nonetheless, the purpose that the Council was intended to serve, i.e., to assure the consideration of a broad range of views in developing a national drug strategy, is an important one. We are prepared to work with the Administration to develop any reasonable alternatives to the strategy council that may be necessary, provided such alternatives will accomplish this fundamental purpose. In any event, we urge the President to include youth representatives on the strategy council or any alternative he proposes. Drug abuse directly involves and affects our young people perhaps more than any other segment of our society and our nation's drug policies should reflect their participation.

5. The President should prepare and promulgate a Federal drug strategy as required by law that clearly spells out Federal priorities, sets forth the resources needed to perform these responsibilities and allocates Federal resources to accomplish those priorities most effectively. In addition, the strategy should include a plan for mobilizing non-Federal resources that can be brought to bear on drug abuse problems.

IV. INTERNATIONAL NARCOTICS CONTROL

The most effective and economical means of reducing the supply of illicit drugs is to control the production of such substances at the source. All of the heroin and cocaine and over 90 percent of the marihuana available on the illicit U.S. market are produced outside of the United States. Once the opium, coca and marihuana plants are harvested and enter the processing and transshipping stages of the drug trade, detection and interdiction are much more difficult and costly. Therefore, it serves the interests of the United States to exercise every diplomatic, economic and other efforts with source countries to stop the production of illegal drugs. The success of this effort is dependent upon the degree of commitment and priority of action taken by both the source country and the United States as well.

To date, there is no comprehensive, coordinated Federal strategy to prevent and control drug abuse. A comprehensive Federal drug strategy must place a strong emphasis on international narcotics control, particularly on source country crop eradication programs and income substitution projects that will assure an adequate level of support for farmers who cease cultivation of illicit narcotics. In the past, the strong commitment of the United States was shown in our bilateral efforts with Turkey and Mexico, which succeeded in dramatically reducing the illicit production of opium in both countries. Fortunately, both nations were able to control their borders and were strongly committed to take every measure against the illicit cultivation and trafficking of drugs. Unfortunately, the Mexican and Turkish successes have not been replicated in other illicit drug growing countries in the Far East, Middle East, and South America. To a large extent, these countries are unable to control their frontiers where illicit drugs are grown.

A number of factors have contributed to the lack of a consistent U.S. drug policy with respect to crop eradication. A major obstacle to an increased emphasis on crop eradication and crop/income substitution programs in source countries has been the lack of commitment of adequate resources by the United States. The annual budget of $35–$40 million ($36.7 million in fiscal year 1982) for worldwide narcotics control efforts by the State Department's Bureau of International Narcotics Matters (INM) is grossly inadequate given the complex and global dimensions of drug production, distribution, financing and trafficking, which is now estimated to exceed $90 billion annually.

Frankly, the strong national commitment expressed in the past has been considerably weakened by INM's lack of sufficient resources to conduct its global operations. The United States also has not made effective use of other sources of funds and expertise, principally the Agency for International Development (AID), to further our international narcotics control objectives. There must be closer coordination and cooperation of our foreign assistance programs. Recently, some progress has been made in this area. Section 126 of the Foreign Assistance Act (the Gilman Amendment) recognizes that illicit narcotics production is related to overall development problems and encourages AID to give priority consideration to programs which would help reduce illicit narcotics production by stimulating broader development opportunities. The first major project to be funded by AID (in conjunction with INM) pursuant to Section 126 is now underway in the Upper Huallaga Valley of Peru. The principal objective of the project is the eradication of illicit coca leaf production through crop substitution and other alternative sources of income. Since approximately one quarter of the world supply of cocaine originates from coca produced in this region, the impact that the success of this project would have on illicit cocaine supplies is obvious.

The previous Administration's official support for decriminalization of possession of small amounts of marihuana created the impression abroad that the United States was not serious about controlling the production and use of this substance. This perception was compounded by enactment in 1978 of section 481(d) of the Foreign Assistance Act of 1961 which prohibited the expenditure of U.S. international narcotics control funds to support marihuana eradication programs using the herbicide paraquat. This amendment not only prohibited U.S. assistance for the Mexican marihuana eradication program but also prevented a major U.S. supported marihuana eradication initiative in Colombia, and for a while also jeopardized continued U.S. support for the highly successful Mexican opium eradication program using paraquat. The measure seriously eroded the credibility of U.S. international narcotics control objectives. Finally, while urging foreign governments, principally Colombia, to support eradication efforts, the United States Government has failed to take aggressive action to eradicate the increasing domestic production of marihuana.

Recently, a number of steps have been taken toward establishing a more consistent U.S. policy on international narcotics control. Most important, the International Security and Development Cooperation Act of 1981, signed by the President on December 29, 1981 (P.L. 97-113), repeals section 481(d) of the Foreign Assistance Act of 1961. This action will go a long way toward enhancing the credibility of U.S. narcotics control policies in the eyes of foreign governments. Administration officials have also testified in strong opposition to marihuana decriminalization, a position which is much more consistent with a policy of discouraging use of this substance.

Against the above background, the Select Committee recommends the following actions to control the production of illicit narcotics production at the source.

1. Drug-related issues must be given top priority consideration within the State Department. Controlling the illicit production and distribution of narcotics should be a top priority objective in the conduct of U.S. foreign policy. Additional resources should be allocated to the Bureau of International Narcotics Matters whose meager budget cannot meet its global responsibilities.

Although never invoked, Section 481 of the Foreign Assistance Act requires the President to suspend economic and military assistance to any country that fails to take adequate steps to control the production, processing and transportation of narcotics and other controlled drugs. Despite this statement of policy, State Department officials recently testified before the House Foreign Affairs Committee that narcotics control considerations were not raised in the negotiations on the $3 billion aid package concluded with Pakistan earlier this year, though admittedly Pakistan is a major producer of illicit opium. Narcotics control efforts should be included in negotiating agreements to provide assistance from the United States to narcotics-producing countries.

2. The Secretary of State should direct a review of all U.S. economic assistance programs to determine if such assistance can be applied and appropriately coordinated to meet narcotics control objectives.

3. To control the overseas production of illicit narcotics in traditional growing areas, the United States not only must assist drug law enforcement efforts in source countries but also must provide increased assistance for income replacement programs, including crop substitution and other efforts, that will provide the growers and processors a legitimate substitute source of income. Unfortunately, the State Department's Bureau of International Narcotics Matters (INM), which has the lead responsibility to develop U.S. international narcotics control policy and programs, does not have the development resources and expertise needed to carry out income replacement programs except on a pilot basis. Accordingly, INM has been seeking assistance for income replacement projects from the Agency for International Development (AID). Difficulties have arisen, however, because AID's criteria for development projects often do not meet INM's narcotics control objectives.

To assure success of income replacement programs in traditional growing areas, development resources and expertise must be fully integrated into international narcotics control programs under the direction of INM. To accomplish this objective, the Committee recommends that INM's budget be expanded to include the resources and expertise needed to support sustained income replacement programs or that a portion of AID's rural development resources be transferred to INM. As a further alternative, a portion of AID's budget could be earmarked for development projects that will provide economic alternatives to illicit narcotics production with such projects to be developed and implemented in conjunction with INM and under INM direction.

4. Congress must closely monitor the utilization of AID and INM resources in the Upper Huallaga Valley Regional Development Project in Peru. The success of this joint project is critical to control the illicit growth of coca and to monitor the development of alternative sources of income for the farmers in this region.

5. Now that section 481(d) of the Foreign Assistance Act of 1961 has been repealed, the United States should move quickly to initiate a marihuana eradication program with Colombia, the source of approximately 75 percent of the marihuana available on the U.S. market. The United States Government should also explore the feasibility of supporting marihuana eradication programs in Jamaica and other source countries. At the same time, the United States should continue to support Mexico's eradication efforts and provide financial support if requested.

6. To impress upon foreign source countries our own commitment to marihuana eradication, the Federal Government, in cooperation with the States, should immediately undertake a major program to eradicate domestically cultivated marihuana. This effort should be widely publicized, and stiff penalties should be imposed on marihuana growers.

7. The United States should use all available international forums to emphasize the worldwide nature of drug abuse and drug trafficking. The United States should also impress upon other nations the global

dimensions of narcotics trafficking and drug abuse and how this insidious problem undermines the political, economic and social institutions of all nations. In pursuit of these objectives, the United States should:

a. Continue support for the United Nations Fund for Drug Abuse Control (UNFDAC) and continue to encourage increased participation and financial contributions by other countries;

b. Encourage other nations and multilateral bodies such as the international financial institutions (IFI's) that provide development assistance to narcotics growing countries to incorporate narcotics control objectives in their aid packages. The State Department also should continue to urge source countries to seek assistance in curbing illicit narcotics production. According to information provided by the State Department, the World Bank was the only IPI, as of October 1980, to report a project (Thailand) that includes elimination of opium poppy cultivation among its goals;

c. Firmly oppose, as current law requires, any multilateral development bank aid to narcotics producing, processing or transshipping countries that fail to take adequate steps to control exports of illicit drugs to the United States;

d. Firmly support United Nations resolution 36/168, approved December 16, 1981, adopting the international drug abuse control strategy and requesting the U.S. Commission on Narcotic Drugs to establish a task force to review, monitor and coordinate the implementation of the international drug control strategy and program of action; and,

e. Encourage the regional communities of the world, such as the European Community, Latin America, and the Association of Southeast Asian Nations (ASEAN), to formulate and implement comprehensive, coordinated, regional strategies to prevent and control drug abuse.

8. The State Department should continue to use "poppy clauses" or other appropriate provisions in bilateral aid agreements with narcotics producing countries. State also should urge other governments and the IFI's to include similar provisions in their agreements to provide development assistance to source countries.

The State Department has advised the Committee that so-called "poppy clauses" are a viable method to encourage narcotics control in drug-producing countries. Such clauses make the provision of assistance dependent upon the recipient country's agreement to prohibit narcotics production in the areas that would benefit from the assistance. The United States generally requires such provisions in bilateral agreements for AID projects to increase agricultural acreage or improve existing farmlands.

9. The United States Government should seek to conclude new mutual legal assistance and extradition treaties with the governments of source countries and countries that serve as offshore bank havens for drug traffickers. The recently ratified mutual legal assistance and extradition treaties with Colombia and the Netherlands contain a number of innovative provisions that will facilitate investigation and prosecution of drug trafficking and related illegal financial transactions.

10. The State Department, in conjunction with NIDA, should support bilateral and multilateral efforts to control the demand for drugs in source countries. Narcotics-producing countries that once viewed drug abuse as a uniquely American problem are now finding that the drug trade is creating abuse problems among their citizens. Supporting and encouraging demand control programs in these countries, through the provision of funding, the sharing of information, and technical assistance, demonstrate that U.S. concern is not limited only to the American victims of drug abuse and bolster our efforts to encourage stronger supply control efforts by the host governments.

11. Recognizing that source country eradication and crop/income substitution programs are politically infeasible in narcotics producing countries where there is no official U.S. presence, such as Iran and Afghanistan, the United States should strengthen its efforts to interdict drug trafficking in processing and transshipping countries.

V. DRUG LAW ENFORCEMENT

The problem of crime and its control is of paramount concern to all Americans. The desire for safe streets and neighborhoods and the need for an effective criminal justice system that assures swift and certain punishment for those who violate the law are goals that must be squarely and honestly addressed in mapping a narcotics control strategy.

The connection between drug abuse and crime is well recognized. Addicts often must commit crimes to sustain their habits. In Baltimore, a study of 237 addicts revealed that they are responsible for committing more than 500,000 crimes over an 11 year period. A University of Delaware study showed that 356 active heroin users in Miami were responsible for 118,134 crimes in one year. Drug trafficking inevitably leads to other serious crime. Due to the high profits and risks that attend the drug trade, hijacking, murder and other violent acts, and illegal financial transactions are commonly committed by traffickers.

Law enforcement has traditionally been the responsibility of state and local governments. In the area of narcotics control, however, the Federal Government must assume a major responsibility. The illicit drug distribution chain involves large-scale trafficking organizations which operate across state and international boundaries. Heroin, cocaine, and ninety percent of the marihuana consumed domestically is smuggled into the United States. The resources that the traffickers command are enormous. These factors place such operations beyond the control of state and local law enforcement capabilities.

FEDERAL ROLE IN DRUG LAW ENFORCEMENT

In the light of the above considerations, the Committee defines the primary responsibilities of Federal drug law enforcement as follows:

1. Federal drug law enforcement efforts and resources should be coordinated to identify and disrupt major narcotics trafficking organizations with particular emphasis on destroying the financial base of those networks.

2. Federal cooperation with State and local drug law enforcement agencies should be continued and strengthened.

   a. Federal efforts should continue to assist state and local drug law enforcement agencies in immobilizing middle and lower level drug traffickers. Specifically, the Committee endorses continuation of the DEA task force program which has improved coordination of state and local drug enforcement resources and investigations.

   b. The Federal Government should continue to assist state and local drug control agencies through the provision of technical assistance, the sharing of intelligence and information, and the training of personnel.

Federal Enforcement Coordination

Effective coordination of Federal drug law enforcement efforts have been hampered by jurisdictional disputes between Federal drug law enforcement agencies, particularly DEA and the Customs Service. The reluctance of agencies such as the International Revenue Service to support drug investigations has further impeded an integrated Federal enforcement effort.

For months the Administration has said it will establish a cabinet level task force on drug law enforcement to coordinate Federal enforcement efforts. To date this task force has not been organized nor its specific responsibilities clearly outlined.

Federal Role in Drug Law Enforcement

Recognizing the urgent need for a comprehensive attack on drug trafficking, the Committee recommends that the Administration immediately review the mission and resources of all agencies involved in drug law enforcement and establish clear guidelines delineating agency priorities and establishing mechanisms for interagency cooperation.

DEA–FBI Reorganization

On January 21, 1982, the Attorney General announced a number of steps to increase FBI involvement in narcotics control and improve DEA–FBI cooperation. Under the plan announced by the Attorney General, DEA and FBI will have concurrent jurisdiction over drug offenses, the FBI Director will have general supervision over drug enforcement efforts, and DEA will report to the Department of Justice through the FBI Director.

The Select Committee believes it is imperative that Congress monitor closely the new DEA–FBI relationship. Reorganization Plan No. 2 of 1973 designated DEA as the lead Federal agency in narcotics control. Although many benefits can come from increased FBI–DEA cooperation, maintaining a single agency with lead responsibility for narcotics control underscores our nation's commitment to drug law enforcement. The need to preserve the integrity of DEA as our lead drug-enforcement agency is particularly crucial in the area of overseas operations. DEA's credibility and working relationships with foreign governments are well established. Tying the FBI into overseas-drug related operations may be suspected by certain foreign governments as a cover for the FBI to conduct internal security type investigations. This perception would jeopardize our drug intelligence collection efforts and other bilateral narcotics control efforts overseas.

In sum, the Committee recommends that the independence and integrity of the DEA as our lead drug enforcement agency be preserved.

MILITARY COOPERATION WITH DRUG LAW ENFORCEMENT OFFICIALS

Section 905 of the Department of Defense Authorization Act for 1982 (P.L. 97–86) authorizes limited cooperation between the military services and civilian drug law enforcement agencies. The Select Committee has long supported the increased use of military resources to enhance drug interdiction efforts, particularly in the areas of information and equipment sharing. P.L. 97–86 provides clear authority for use of Defense resources in these critical areas as well as permitting military assistance in the form of training, use of military facilities and operational support (subject to strict limitations).

Notwithstanding the authority granted by these new provisions, the Committee is concerned about implementation of the statute. The Act prohibits the provision of any assistance if military preparedness will be adversely affected and requires the Secretary of Defense to issue regulations providing that reimbursement may be a condition of assistance to civilian law enforcement officials. An overly narrow interpretation of these provisions could easily frustrate the intent of Congress to augment our nation's defense against massive drug smuggling.

In light of these concerns, the Committee recommends that:

1. The Department of Defense should implement vigorously the provisions of Section 905 of the Department of Defense Authorization Act of 1982, P.L. 97–86, authorizing military cooperation with civilian law enforcement officials. In considering requests for assistance, Defense should recognize the adverse impact on our national security and our military preparedness created by widespread drug abuse among military members and unauthorized intrusions into our air and sea space. Defense also should maintain a flexible approach with respect to reimbursement, taking into account the type of assistance requested and the limited budgetary resources of civilian law enforcement agencies.
2. The President should emphasize the priority he attaches to effective implementation of section 905 by issuing a clear directive to the Department of Defense and each of the military services instructing that military support for drug enforcement efforts be given the maximum commitment possible consistent with the law.
3. Congress and the Executive Branch should monitor closely the implementation of section 905 to assess the effectiveness of assistance rendered by the military and to identify any problem areas that may require remedial attention.

SENTENCING REFORM

Available data, while limited, indicate that less than two-thirds of Federal drug offenders receive prison sentences. Statistics furnished to the Committee by the Administrative Office of the United States Courts revealed that from 1976–1980 the portion of defendants receiving sentences over five years in length ranged from 18 to 20 percent. Although the average length of sentence generally increased during this five year period from 47.6 months to 54.5 months, the actual period of incarceration is generally less because prisoners are eligible for parole after serving one-third of their sentences.

The uncertainty of punishment and the prospect of serving little time in jail make the chance to earn lucrative profits by drug trafficking appealing. A successful drug dealer who has amassed great wealth as a result of his illegal activities which will be available to him on his release from prison, can easily afford to do a short prison term. Moreover, short prison terms have little or no impact in disrupting major trafficking organizations.

There is clearly a need for more effective punishment directed at narcotics traffickers and especially those involved in major organizations. The Federal sentencing structure needs to be reformed to insure that drug offenders receive prison sentences and that the sentence meted out serves as a deterrent to others and aids in the disruption of major trafficking organizations.

To improve sentencing at it applies to Federal drug offenders, the Select Committee proposes the following recommendations.

1. Existing prison sentences and fines should be increased for narcotics and drug offenses. The imposition of mandatory minimum sentences for large scale narcotics trafficking should be enacted.

2. Increasing penalties for narcotics offenses should not be delayed pending the enactment of comprehensive criminal code reform legislation. The seriousness of narcotics trafficking and its deleterious effect on American society calls for immediate action in this area.

3. The Committee urges increased use of the Continuing Criminal Enterprise (CCE, 18 U.S.C. 848) and the Racketeer Influenced and Corrupt Organizations (RICO, 18 U.S.C. 1961) statutes against major trafficking organizations. These statutes contain stiff penalties for large scale drug dealers and permit the forfeiture of traffickers' assets. However, over the last ten years CCE and RICO have been used sparingly against drug defendants. Clearly, if major trafficking organizations are to be immobilized, the most effective sanctions available must be employed.

BAIL REFORM

The existing bail system has been closely scrutinized by the Select Committee in formulating its comprehensive recommendations. The Select Committee held a hearing on bail reform in July 1981. Several unique problems were found to attend the bail system, especially as it relates to narcotics offenders. Judicial officers are prohibited from considering the "danger" presented by the defendant in setting release conditions, and they generally interpret existing law as requiring them to set release conditions in all non-capital cases. The profits from trafficking permit large scale drug dealers to post high money bail and subsequently fail to reappear. The forfeited bail is viewed merely as a cost of doing business. Finally, there is no comprehensive Federal data base on bail.

To alleviate these problems, the Select Committee recommends the following measures.

1. The Bail Reform Act of 1966 should be amended so that in setting conditions of pre-trial release a judicial officer may consider the danger a defendant presents to the community or to another individual.

Under current law, the only issue a judicial officer may consider in setting bail is whether a defendant will appear for trial. The testimony of Federal magistrates and others before the Select Committee confirms, however, that under the guise of determining the likelihood of flight, courts now frequently consider danger to the community in setting bail. Both to protect the safety of the community and to assure the integrity of the judicial process, courts should be allowed to consider dangerousness in setting conditions of pre-trial release.

2. Congress should consider whether it is appropriate to enact legislation denying bail to defendants for whom no conditions of release will assure reappearance for trial or the safety of the community, or both. Any procedures established to determine whether a defendant should be denied pre-trial release should be carefully drawn to protect the due process rights of the defendant and to insure that only those who are truly dangerous or likely to flee are detained prior to trial.

3. Serious consideration should be given to elimination of money bail in the Federal system.

Money bail is often an ineffective tool to assure the appearance of drug traffickers for trial because traffickers can afford to forfeit even high amounts of bail. Moreover, money bail discriminates against poor defendants who often cannot pay what many would consider to be a reasonable amount of bail. There is substantial evidence showing that court fashioned conditions of release are more effective than money bail in assuring reappearance of a defendant for trial.

In lieu of money bail, courts should be given specific statutory authority to require a defendant, as a condition of release, to deposit with the court title to or control over designated property belonging to the defendant or any other person. This property would be subject to forfeiture if the defendant failed to comply with any conditions of release. Testimony received by the Select Committee indicates that a property bond posted by family or friends is more effective than money bail in deterring flight.

4. Defendants should not be permitted to post property obtained through illegal activity as bail collateral. Courts should be given specific statutory authority to inquire into the source of bail collateral posted by major narcotics offenders. If these assets appear to be proceeds of narcotics trafficking they should not be accepted by the court. Legislation to this effect (H.R. 4705) has been introduced by Mr. Shaw, a member of the Select Committee, and co-sponsored by Mr. Fascell and Mr. Hutto, ex officio members of the Committee.

5. The Justice Department and the Administrative Office of the United States Courts should work together to develop a uniform, comprehensive and current data base on bail in Federal criminal cases and violations of bail, including bail jumping and commission of additional crimes while on release pending trial, sentencing or appeal.

ATTACKING THE FINANCIAL BASE OF THE DRUG TRADE

Attacking the financial base of the drug trade is the most effective prosecutorial tactic that can be used against narcotics traffickers. Vast profits are the sole object of drug trafficking. Such vast profits can keep a continual flow of drugs coming into the country, permit traffickers to post unheard of amounts of bail, and sustain ongoing criminal organizations even if some of their members are imprisoned.

Yet, notwithstanding the potential in attacking the financial empire of drug traffickers, Federal efforts to identify, seize, and ultimately cause forfeiture of the assets of drug traffickers have been lagging to date. The Select Committee's heading in October 1981 in South Florida highlighted the usefulness of financial investigations but also revealed interagency managerial problems and statutory restrictions. Two General Accounting Office reports issued last year, "Asset Forfeiture—A Seldom Used Tool in Combatting Drug Trafficking", (April 10, 1981), and "Bank Secrecy Reporting Requirements Have Not Yet Met Expectations, Suggesting Need For Amendment", (July 23, 1981), criticized Federal investigators and regulatory agencies for not aggressively pursuing financial investigations.

FORFEITURE

There are only two criminal statutes, both enacted in 1970, that permit the forfeiture of assets derived from illegal activities: the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. 1961 et. seq., and the Continuing Criminal Enterprise Statute (CCE), 21 U.S.C. 848. As of March 30, 1980, RICO and CCE indictments had been returned in only 98 narcotics cases. Of these 98 cases, forfeiture was effectuated in only 13. In addition, the Committee recognizes that case law interpretation of the RICO and CCE statutes over the past 10 years has limited the scope of forfeiture, requiring statutory amendment to extend the reach of forfeiture. Accordingly, to enhance Federal forfeiture against narcotics organizations the Select Committee recommends:

1. Federal law enforcement agencies must give top priority to intense, coordinated financial investigations of major narcotics traffickers and organizations, with the objective of identifying and destroying their financial base. Task Force units such as the successful "Operation Greenback" in South Florida, a joint Treasury-Justice endeavor combining the resources of DEA, Customs, IRS, and Justice Department attorneys, should be established in major narcotics trafficking centers.
2. The RICO statute should be amended to provide specific authority for the forfeiture of all profits and proceeds of a narcotics enterprise regardless of their conversion to other assets or whether obtained directly or indirectly as a result of trafficking.
3. The CCE statute should be amended to provide specific authority for the forfeiture of all proceeds of narcotics trafficking.
4. Both RICO and CCE should be amended to permit the forfeiture of any assets a trafficker has in his possession, that would not otherwise be subject to forfeiture, to the extent that illicit assets otherwise subject to forfeiture are unreachable.

Legislation to accomplish the actions proposed in recommendations 2, 3, and 4, has been introduced in the House by Mr. Zeferetti (H.R. 4110) and co-sponsored by 11 Select Committee members.

FINANCIAL INVESTIGATIONS

The existing statutes that provide Federal investigators with the ability to conduct financial investigations need to be bolstered. The

Currency and Foreign Transactions Reporting Act, 31 U.S.C. 1051 (commonly known as the Bank Secrecy Act), requires reports by financial institutions of currency transactions that exceed $10,000 and reports by anyone who transports more than $5,000 into or out of the country. The reports are intended to create an "audit trail" for Federal investigators. The audit trail, by tracing cash flows, aids in identifying those who are trafficking in drugs. Once targets are identified, conventional drug law enforcement efforts work in conjunction with the financial investigation.

To alleviate problems that have arisen in the enforcement of the Bank Secrecy Act and the conduct of financial investigations, the Select Committee recommends the following legislative and administrative actions.

1. The Bank Secrecy Act should be amended to make it a criminal offense to "attempt" to leave the country with money in excess of $5,000 without first filing the reports required under the Act. Current law does not expressly make such attempts a crime. Some courts have held that a violator must actually leave the country before a crime under the Act occurs.

2. Border searches for monetary instruments should be permitted whenever a Customs officer has reasonable cause to suspect that monetary instruments are being transported in or out of the country in violation of the reporting requirements of the Bank Secrecy Act.

3. Currency violations under Title 31 should be added to the category of criminal acts which are defined as "racketeering activities" under the RICO Act in title 18. Laundering vast amounts of money in violation and in avoidance of the Bank Secrecy Act is an integral part of the operations of major narcotics networks. The inclusion of currency violations as predicates under RICO would enhance the forfeiture of monies illegaly gained as a result of drug trafficking and expand the range of criminal indictments against drug traffickers.

4. The Bank Secrecy Act regulations should be amended to designate third party money orders as financial instruments subject to the Act's reporting requirements. Not considered as "monetary instruments" under current regulation, cashier's checks made out to third parties have become increasingly used by traffickers to launder funds.

5. The committees of jurisdiction of the House should review provisions of the Tax Reform Act of 1976 and the Right to Financial Privacy Act which restricit the conduct of financial investigations to determine what corrective measures may be needed.

VI. REDUCING THE DEMAND FOR DRUGS

Controlling the supply of drugs, while important, is only part of the problem. Eliminating the market for drugs by reducing the demand for these substances must be emphasized increasingly in the years ahead. President Reagan acknowledged the significance of demand control efforts in his address on crime when he said, "Let us recognize that important as intercepting the drug traffic might be, it cannot possibly equal in results turning off the customers—the users."

Drug abuse is debilitating for society as well as for individuals. The social costs of drug abuse have been estimated at over $10 billion annually; social costs of alcohol abuse exceed $40 billion per year. We can no longer afford the loss of productivity and the drain on our scarce resources for law enforcement, criminal justice, health care, welfare, and social services that substance abuse extracts. We can no longer afford the loss of human life and the wasting of human resources that substance abuse involves. Most important, we cannot afford a generation of young people so impaired by drug use that they will be unable to assume adult responsibilities and contribute usefully to society.

We must also recognize that drug abuse is often symptomatic of other needs. Treating the symptoms without attempting to mitigate the underlying causes will yield little success. We need to promote ways for people to meet these needs—to be accepted, to cope with the stresses and strains of everyday life—through productive and healthy means, not by escaping through substance abuse.

An effective strategy to reduce the demand for drugs must incorporate three basic elements:

1. Treatment and rehabilitation services for persons whose health and ability to function have been seriously impaired by drug abuse;
2. A strong emphasis on research into the basic causes and consequences of drug abuse, ways to prevent it, and ways to treat and rehabilitate abusers;
3. Broad based prevention and education efforts aimed at providing factual information about the dangers of drug abuse, changing public attitudes toward the non-medical use of drugs from acceptance or indifference to disapproval, encouraging creative alternatives to drug abuse, and mobilizing the resources of state and local governments and the private sector in the fight against drugs.

FEDERAL RESPONSIBILITIES

The Federal role in the area of demand reduction currently is undergoing substantial changes. As noted above, the categorical drug abuse services programs formerly funded by NIDA have been consolidated into a new ADM block grant to the states. In the process, Federal financial support for prevention, treatment, and rehabilitation efforts has been cut by about one-fourth, and Fedearl involvement in managing and evaluating such programs has been virtually eliminated.

Notwithstanding shrinking budgets and the decreased Federal role in delivery of drug abuse services, drug abuse continues to be one of the nation's most pervasive and serious health and social problems. Maintaining a strong Federal commitment to demand reduction efforts is essential to stimulate non-Federal support for drug treatment, rehabilitation, and prevention programs and to provide leadership in a number of critical areas that states and the private sector cannot reasonably or practically undertake on their own.

Within this framework, the Committee recommends that Federal efforts to reduce the demand for drugs be concentrated on the following priority responsibilities.

1. Congress, the Department of Health and Human Services, and NIDA should monitor closely the ADM block grant program to assure that it is being implemented in accordance with applicable law

and that states are meeting critical substance abuse needs within their jurisdictions. Special attention should be focused on the impact, if any, that cuts in Federal support have on the availability of prevention, treatment and rehabilitation services for addicts and other affected populations.

2. NIDA should provide technical assistance as needed to states, localities, and other entities providing drug abuse services to smooth the transition to the new block grant approach and to meet other needs for administrative and clinical support. NIDA's technical assistance efforts should be aimed at accomplishing two primary goals:

a. Providing expertise on novel or esoteric problems; and

b. "Leveraging" Federal support by building technical assistance capability within states so that states can assume an even greater responsibility for meeting the technical assistance needs of programs within their jurisdiction.

3. NIDA must continue to collect, analyze and disseminate national epidemiologic data on drug abuse.

One of the most important Federal contributions in the last decade to understanding drug abuse problems has been the development of a national drug abuse data base. The capability to assess changing drug abuse trends and spot new drug abuse phenomena before they spread out of control is vitally important to guide policymakers in allocating resources effectively. The need for such information will be especially important as states assume even greater responsibility for program management and evaluation. The collection and analysis of such data, however, is not a function that states can perform. Maintaining and improving this data base as a national resource is a uniquely Federal responsibility.

Because of the importance of a sound data system to understanding and managing drug abuse problems, the Committee is concerned that the shift to the new ADM block grant approach for drug services funding not impair NIDA's continued data collection activities. In our recent strategy hearing, testimony by the Department of Health and Human Services indicated that three of the four major sources of data maintained by NIDA—the Drug Abuse Warning Network (DAWN), the National Survey on Drug Abuse, and the High School Senior Survey—will be continued with full funding. Continuation of the fourth system—the Client Oriented Data Acquisition Process (CODAP), which up to now has gathered information on clients in Federally-funded treatment programs through nationwide, mandatory reporting—will be dependent on voluntary participation by the states. If the voluntary system fails to provide the necessary data, NIDA will attempt to obtain the information through a representative nationwide sample. Hopefully, this component of the national data system can be maintained without disruption. Congress should remain alert and receptive, however, to the possible need for additional funds or authority to continue this important data collection effort.

4. Federal support for drug abuse research (both basic and applied) and knowledge dissemination must be continued and strengthened.

Acquiring new knowledge is essential to developing new treatment and prevention approaches. The Federal Government, through NIDA, must support basic research into the mechanisms and sites of drug actions in the body and the epidemiology of drug abuse. NIDA also must support efforts to apply the results of basic research to the development of new behavioral and pharmacological methodologies to prevent, diagnose and treat drug abuse. Because it is not feasible for states to fund and coordinate a national drug research program, drug abuse research will remain a primary Federal responsibility.

Disseminating research findings and other drug-related information to professional, policymakers and the general public is essential to increasing awareness of drug abuse problems and treatment and prevention approaches. As the key Federal demand reduction agency, NIDA should use all available means, including publications, conferences, workshops, and the media to disseminate drug abuse information. NIDA also should coordinate efforts by other Federal agencies to provide drug information to the public and insure that such information is accurate.

5. The Federal Government, through NIDA, should play an active role in the demonstration of new and more effective drug prevention, treatment and rehabilitation approaches. The Committee recommends that Congress extend NIDA's current demonstration authority and appropriate sufficient funds for NIDA to perform this function effectively.

The Omnibus Budget Reconciliation Act of 1981 (sec. 970) authorized $15 million for NIDA to undertake a new program of grants and contracts to support high quality projects showing the greatest promise of leading to new and more effective approaches in prevention, treatment and rehabilitation. Unfortunately, no funds have been appropriated for this demonstration program, and the authorization expires at the end of this fiscal year.

Developing, evaluating, and demonstrating new prevention, treatment and rehabilitation techniques are primarily Federal responsibilities. Like research, these functions are neither practical nor cost-effective for states to perform. Moreover, the results of such efforts in terms of applicable uses are truly national in scope. The cost of a demonstration program need not be great, but the potential return is substantial.

Although the current authorization for NIDA research programs undoubtedly provides authority for some demonstration projects along the lines discussed above, we believe that continuation of a separate demonstration authority is more appropriate for several reasons. A separate authorization enables Congress to provide specific policy guidance, promotes greater agency accountability, and does not require such activities to be funded at the expense of other important Federal responsibilities such as drug abuse research. Most important, a separate program demonstrates a high priority Federal commitment to drug abuse prevention.

INVOLVING THE PRIVATE SECTOR IN DRUG ABUSE PREVENTION

The Federal Government must mobilize the resources of the private sector to support a continuing, comprehensive prevention effort.

Prevention is an integral part of a national drug abuse strategy. Legislation in recent years increasingly has recognized the key role of drug abuse prevention. The authorization for NIDA project grants for fiscal years 1980 and 1981 earmarked 7 and 10 percent of funds, respectively, for primary prevention and intervention programs. The new Alcohol, Drug Abuse and Mental Health block grant requires states to allocate at least 20 percent of substance abuse funds for such efforts.

Government efforts alone, however, cannot eliminate the demand for drugs. Ultimately, the control of drug abuse requires a change in public attitudes that recognizes the dangers of drug abuse and rejects the glamorization of drug use. This change of attitude can come about only through the active participation of individuals, groups and institutions representing all segments of American society.

Responding effectively to drug abuse requires the commitment of local resources, both financial and human, involving parents, teachers, civic and religious leaders, business and labor leaders, police and other elements of local communities, working together in a spirit of close cooperation to find solutions to their common problems. One of the most positive development in recent years has been the growth of active parent and community groups throughout the United States to fight drug abuse at the local level. The National Federation of Parents for Drug Free Youth, organized in 1980, has been extremely active in creating a national awareness of drug abuse issues and supporting legislation. Parent groups played an influential role in rallying public support against the sale of drug paraphernalia. Another innovative approach has been initiated by the Archdiocese of New York which has established a major drug education and prevention program throughout its churches and schools.

Abuse of prescription drugs, drug abuse in the workplace and youth alientation and drug use are among the problems that private resources can adrress effectively. Business organizations and labor unions can work together to provide drug and alcohol abuse services for workers and their families and to rehabilitate drugs users by teaching them job skills. The resources of medical and pharmacy associations and state disciplinary boards must be used to educate their members about proper prescribing and dispensing practices and to strictly enforce sanctions against unethical practitioners. Similarly, other profesional groups, such as bar assocations, should sponsor activities to make members aware of drug and alcohol problems and provide referral services for members in need of treatment. The expertise that exists within the communications and entertainment industries can be used to reach large audiences with drug awareness programs and messages. The resources of local communities, including youth, should be mobilized to engage people in alternative activities that meet community needs.

The Federal Government has an important role to play in actively encouraging these activities. As recommended above, NIDA should identify and demonstrate successful community-based prevention programs to serve as models for other communities. The Federal Government can also serve as a clearinghouse for accurate drug abuse information. Another suggestion, offered by witnesses at the Committee's prevention hearing last September, is to provide increased tax incentives for activities that contribtue to drug abuse prevention efforts. This idea should be explored. Members of Congress should sponsor drug abuse awareness meetings in their districts. Select Committee members have organized such meetings in their districts, drawing together all elements of the community to identify local drug abuse problems and discuss how community resources can be used to meet these needs. The Select Committee is prepared to assist other Members who are interested in holding similar meetings in their districts.

The President has said that his Administration will do all in its power to encourage voluntary efforts to prevent drug abuse. We welcome this commitment but urge the Administration to recognize that a continuing commitment of Federal resources is necessary to stimulate and sustain voluntary action.

VII. DRUG ABUSE IN THE MILITARY

Drug abuse in the military is an especially urgent problem because of the potential for serious harm to our national security and military readiness. The Select Committee has been actively pursuing the problem of drug abuse in the military since 1978 when the Committee conducted its first survey and hearing in Europe. At that time, the Committee found unacceptable levels of drug abuse. The Committee's findings prompted the Department of Defense to develop a 12-point plan to combat the serious problem of drug use within the services.

Regrettably, the Committee's latest survey in Europe in 1981 found the levels of drug abuse still unacceptably high. The military's ongoing drug programs were strongly criticized by the troops.

The military services have instituted a complete review of their drug programs to strengthen them wherever possible. The Select Committee is working closely with the services and with other congressional committees in the conduct of this review.

The following recommendations address crucial shortcomings in the military's drug program that both the Committee and the services recognize need to be corrected.

1. Procedures should be established to assure that the advisory recommendations of civilian and military drug counselors are given sufficient consideration within the chain of command. At present the decisions of commanders in drug-related cases are not subject to review. The procedures established should balance the need to maintain military discipline and the integrity of the chain of command with the need to assure the health and well-being of military personnel.
2. The services must conduct their own research to identify factors that lead to drug abuse in the military, to determine the impact of drug abuse on military discipline and readiness, and to develop the most effective approaches to prevent and treat drug abuse within the military environment.
3. The existing regulations which allow service members with drug problems to be discharged under honorable conditions have been abused and misapplied and should be revised or rescinded.
4. All levels of military education and training must include a drug abuse curriculum that explains the effects and harmfulness of drugs, describes available treatment, and gives a clear understanding of disciplinary consequences of drug use.
5. Detection of drug abuse must be strengthened and applied without regard to rank. Detection must be made a part of all screening procedures for recruitment.

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March 1982

ERRATA SHEET

H. Rept. 97-418, Pts. 1 and 2

Annual Report of the
Select Committee on Narcotics Abuse and Control

Part I
ACTIVITIES FOR THE YEAR 1981

Part II
COMPREHENSIVE DRUG CONTROL PROGRAM

On page 20, first line--The word "waringly" should read "warily".

On page 55, last paragraph--The first sentence should read "Although the President and Administration officials have often used strong rhetoric when speaking about drug abuse and drug trafficking, the first year of the Reagan Administration did not reflect an equally strong commitment to make these issues high national budget priorities."

On page 64, under the heading, "Federal Enforcement Coordination", second sentence of the first paragraph--The word "International" should read "Internal".

On page 64--The heading halfway down the page, "Federal Role in Drug Law Enforcement", should be deleted.

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